UNITED NATIONS

General Assembly

FORTY-FIFTH SESSION

Official Records

THIRD COMMITTEE
37th meeting
held on
Friday, 9 November 1990
at 10 a.m.
New York

SUMMARY RECORD OF THE 37th MEETING

Chairman: Ms. COOMBS (Vice-Chairman) (New Zealand)

later: Mr. SOMAVIA (Chile)

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Distr. GENERAL
A/C.3/45/SR.37
19 November 1990

ORIGINAL: ENGLISH

In the absence of the Chairman, Ms. Coombs (New Zealand), Vice-Chairman, took the Chair.

The meeting was called to order at 10.25 a.m.

AGENDA ITEM 90: WORLD SOCIAL SITUATION (continued) (A/C.3/45/L.16, L.18/Rev.1)

AGENDA ITEM 92: IMPLEMENTATION OF THE WORLD PROGRAMME OF ACTION CONCERNING DISABLED PERSONS AND THE UNITED NATIONS DECADE OF DISABLED PERSONS (continued) (A/C.3/45/L.17)

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AGENDA ITEM 104: INTERNATIONAL YEAR OF THE FAMILY (continued) (A/C.3/45/L.14/Rev.1, L.15)

1. The CHAIRMAN said that she had been informed that the draft resolutions submitted under cluster II, comprising the above agenda items, did not have any programme budget implications.

Draft resolution A/C.3/45/L.16 (Agenda item 90)

2. Draft resolution A/C.3/45/L.16 was adopted.

3. Ms. MUCAVE (Mozambique) and Ms. SHIVUTE (Namibia) said that, had their delegations been present, they would have joined in the consensus and voted in favour of draft resolution A/C.3/45/L.16.

Draft resolution A/C.3/45/L.18/Rev.1 (Agenda item 90)

4. Ms. KAMAL (Secretary of the Committee) said that in paragraph 4, the words "as well as in the low-income countries" should be deleted.

5. Mrs. ASHTON (Bolivia), introducing the draft resolution on behalf of the sponsors, said that among the minor changes made in the text of the draft resolution, paragraph 5 had been brought into line with previous General Assembly resolutions; paragraph 6, which reaffirmed the policies for international development co-operation as set out in the Declaration on International Economic Co-operation, in particular the Revitalization of Economic Growth and Development of the Developing Countries, had been added to the draft text. The sponsors hoped that the text would be adopted by consensus.

6. The CHAIRMAN said that a recorded vote had been requested on the draft resolution.

7. Mr. WALLDROP (United States of America), speaking in explanation of vote before the vote, said that as in the past, his Government questioned the relevance of the Report on the World Social Situation. It had yet to be demonstrated that the report contributed to the improvement of the world social situation in a meaningful way.

8. Paragraph 5 of the draft resolution did not adequately reflect the impact that market-oriented domestic economic policies would have on export performance. Although commodity prices in the 1980s had shown a downward trend, not all commodity prices had moved in the same direction or to the same degree and not all countries had been equally affected by the general trend. In addition, during the 1980s, economic performance among the various developing countries had differed dramatically, owing in large part to differences in their domestic economic policy and their ability to respond in a flexible manner to changes in markets.

9. Given its reservations about the language of the draft text and about the value of the report, his Government would vote against the draft resolution.

10. A recorded vote was taken on draft resolution A/C.3/45/L.18/Rev.1.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Ghana, Greece, Guinea, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Sierra Leone, Singapore, Somalia, Spain, Sudan, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zimbabwe.

Against: United States of America.

Abstaining: Germany, Israel, Japan, United Kingdom of Great Britain and Northern Ireland.

11. Draft resolution A/C.3/45/L.18/Rev.1 was adopted by 112 votes to 1, with 4 abstentions.

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12. Mr. KOENIG (Germany), speaking in explanation of vote, said that while it attached great importance to social issues, in particular to the world social situation, his country had had to abstain in the vote on the draft resolution. The text had dealt to a large extent with Second Committee matters rather than concentrating on Third Committee issues. In addition, the draft resolution did not adequately reflect the results achieved in the Second Committee and at the eighteenth special session of the General Assembly.

13. Mr. TISSOT (United Kingdom) said that his delegation had abstained in the vote on draft resolution A/C.3/45/L.18/Rev.1 because it did not offer any new insights into the world social situation. Furthermore, the text failed to reflect some of the more constructive results of the General Assembly's eighteenth special session and the Second United Nations Conference on the Least Developed Countries.

14. Mr. MIYATA (Japan) said that his delegation had abstained in the vote on draft resolution A/C.3/45/L.18/Rev.1. Certain parts of the text placed too much emphasis on economic issues, which might lead to a duplication in the work of the Second and Third Committees. In addition, some of the language used was misleading and distorted the reality of the current economic situation. His delegation also questioned the accuracy and objectivity of the reports on the world social situation and hoped that greater care would be taken in preparing future reports.

15. Miss DELFINA (Angola), Mrs. SHERMAN-PETER (Bahamas), Mr. EKE (Benin), Mrs. MOLATIHIWA (Botswana), Mrs. BANGUI-DUCASS (Central African Republic), Mr. DA ROSA (Guinea-Bissau), Mr. RAKOTONDRAMBOA (Madagascar), Ms. MUCAVE (Mozambique), Ms. SHIVUTE (Namibia), Mrs. LISSIDINI (Uruguay), Mrs. BAGBENI (Zaire) and Ms. FUNDAFUNDA (Zambia) said that, had their delegations been present during the voting, they would have voted in favour of draft resolution A/C.3/45/L.18/Rev.1.

Draft resolution A/C.3/45/L.17 (Agenda item 92)

16. The CHAIRMAN said that Madagascar, Somalia and Zaire had become sponsors of draft resolution A/C.3/45/L.17.

17. Draft resolution A/C.3/45/L.17 was adopted.

Draft resolution A/C.3/45/L.13 (Agenda item 96)

18. Mr. KRENKEL (Austria) said that in paragraph 2 of the French text, the words "en donnant au Centre pour le développement social et les affaires humanitaires du Secrétariat un rôle centralisateur" should be replaced by the words "en utilisant le Centre pour le développement social et les affaires humanitaires du Secrétariat comme point focal". The English text remained unchanged.

19. Draft resolution A/C.3/45/L.13, as amended, was adopted.

20. Mr. Somavia (Chile) took the Chair.

Draft resolution A/C.3/45/L.12/Rev.2 (Agenda item 99)

21. Mrs. ALVAREZ (Dominican Republic), introducing the revised draft resolution on behalf of the sponsors, said that at the request of the delegation of Senegal, two new paragraphs had been added: the eighth preambular paragraph, which recalled the establishment at Dakar in 1989 of the African Society of Gerontology, and paragraph 10, which requested the Centre for Social Development and Humanitarian Affairs to provide assistance to the Society.

22. Draft resolution A/C.3/45/L.12/Rev.2 was adopted.

23. Mr. KOENIG (Germany) said that while it had joined in the consensus, his Government felt that, generally speaking, the draft resolution did not serve the needs of the elderly. Germany accorded high priority to the aging and its policies were in full compliance with the International Plan of Action on Aging. In addition, it contributed to and supported specific projects undertaken by the United Nations Trust Fund for Aging.

24. Draft resolution A/C.3/45/L.12/Rev.2 contained a number of proposals which were inconsistent with the principle of efficient use of United Nations system resources, in particular, the proposal to create new international institutions in the field of aging, which would lead to duplication of effort. His delegation reserved the right to discuss those matters further at the next session of the Commission for Social Development.

Draft resolution A/C.3/45/L.14/Rev.1 (Agenda item 104)

25. Mr. ZAWACKI (Poland), introducing the revised draft resolution on behalf of the sponsors, which now included Mongolia, pointed out that three new paragraphs had been added to the original text: (1) the fourth preambular paragraph, which welcomed the entry into force of the Convention on the Rights of the Child and the successful conclusions of the World Summit for Children; (2) paragraph 9, which invited the Commission for Social Development to, inter alia, ensure that all activities related to the family were in accordance with the concept of equality between women and men; and (3) paragraph 10, which requested the Commission for Social Development to inform the Commission on the Status of Women on the preparations for the International Year of the Family.

26. Draft resolution A/C.3/45/L.14/Rev.1 was adopted.

27. Mr. VAN DER HEIJDEN (Netherlands) said that while it recognized the family as the basic unit of society, his country also acknowledged the existence of many different family structures. Accordingly, Government policy was oriented towards strengthening the family as well as comparable social units.

28. Family structures, traditions and values differed so markedly across the world that international consultations on family matters were unlikely to result in widely applicable measures. Furthermore, such consultations were liable to be used to promote negative views about or even discrimination against household structures other than the traditional nuclear family.

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(Mr. Van Der Heijden, Netherlands)

29. His Government therefore strongly preferred expanded co-operation at the regional level, which was in accordance with the Secretary-General's recommendation that specific activities for the International Year of the Family should be geared mainly to local and national situations.

30. Mr. STUART (Australia) said that his delegation welcomed the amendments that had been made to draft resolution A/C.3/45/L.14. In the celebration of the International Year of the Family, that due attention should be given to the diversity of national and international social experiences relating to the family. When the General Assembly had adopted its resolution 44/82 proclaiming 1994 as International Year of the Family, there had been a consensus against adopting a strict interpretation of the family, and it was important that the draft resolution now before the Committee should reflect that consensus.

Draft resolution A/C.3/45/L.15 (Agenda item 104)

31. The CHAIRMAN invited members to consider draft resolution A/C.3/45/L.15, which had been introduced by the representative of Poland on behalf of the sponsors listed on the document and the Libyan Arab Jamahiriya. The representative of Poland had orally revised the third preambular paragraph by replacing the words "urgent action" by the words "sustained action". If he heard no objection, he would take it that the Committee wished to adopt the draft resolution as orally revised without a vote.

32. *It was so decided*.

33. *Draft resolution A/C.3/45/L.15, as orally revised, was adopted*.

34. The CHAIRMAN announced that the Committee had concluded its consideration of the second cluster of items.

AGENDA ITEM 89: EFFECTIVE IMPLEMENTATION OF UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS AND EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO SUCH INSTRUMENTS (*continued*) (A/45/3, chap. V, sect. A, A/45/205, 207, 216, 222, 227, 230, 264, 265-267, 269, 270, 272, 280, 636, 668, annex, 707)

AGENDA ITEM 93: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (*continued*) (A/45/3, chap. V, sect. A, A/45/580)

AGENDA ITEM 97: IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD (*continued*) (A/45/202, 222, 265, 269, 473)

AGENDA ITEM 105: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (*continued*) (A/45/3, chap. V, sect. A, A/45/40, 174, 178, 403, A/45/597, 598, 657; E/1990/23)

AGENDA ITEM 106: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (*continued*) (A/45/205, 222, 225, 265, 270)

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AGENDA ITEM 109: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued) (A/45/44 and Corr.1, A/45/189, 205, 207, 216, 225, 227, 230, 254, 264, 266, 280, 405, 615, 633)

AGENDA ITEM 110: ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS (continued) (A/45/202, 203, 205, 225, 227, 230, 254, 264, 265, 266, 267, 269, 270, 272, 280, 626)

35. Mrs. ATTAH (Nigeria), speaking on agenda item 89, said that the United Nations role in the field of human rights had been outstanding and valuable, especially in standard-setting activities. The effective and smooth functioning of the human rights treaty bodies as a coherent and integrated system would largely determine the ultimate success of the United Nations in ensuring respect for human rights. She referred in that connection to the conclusions and recommendations contained in the study by the independent expert on possible long-term approaches to enhancing the effective operation of existing and prospective treaty bodies (A/44/668) and the report of the third meeting of persons chairing the human rights treaty bodies (A/45/636).

36. A binding and universal adherence to human rights instruments was not only a necessary but an important component for the achievement of universal respect for and observance of all human rights. The Nigerian delegation therefore called for universal adherence to the human rights instruments. It fully supported the recommendation by the persons chairing the treaty bodies that steps should be taken to promote greater interaction among the treaty bodies as a means of contributing to the effective development of the human rights treaty system as a whole. It would therefore fully support either the institutionalization of the meeting of persons chairing treaty bodies at periodic intervals or the establishment of an inter-treaty-system committee with the objective of achieving greater co-ordination of the treaty régime.

37. Financing had constituted a serious obstacle to the effective functioning of some of the treaty bodies, particularly the Committee on the Elimination of Racial Discrimination (CERD) and the Committee against Torture. Her delegation firmly maintained that the human rights treaty bodies should not be rendered inactive by non-compliance with financial obligations by some States Parties. The activities of the treaty bodies should be financed from the regular budget of the United Nations. While voluntary funding was helpful, it could not provide adequate resources for achieving the goal of sustainable progress in the promotion of human rights.

38. On the immediate and related issue of secretariat services, she said that her delegation fully supported the recommendation that the Secretary-General and the General Assembly should ensure that more resources were provided for secretariat servicing to enable treaty bodies to function effectively. Since the work of the Centre for Human Rights had significantly increased, the resources made available to the Centre and its subsidiary bodies had to be increased in order to enable it to meet its work-load and expanded responsibilities.

(Mrs. Attah, Nigeria)

39. Her delegation wished to express its satisfaction with the work of the Task Force on Computerization. It supported the recommendations of the Task Force on the establishment of an appropriate data base for storing and processing information on the reporting system, and welcomed the completion of the manual on reporting produced by UNITAR and the Centre for Human Rights. Nigeria was unequivocally committed to ensuring the effective and smooth functioning of the treaty bodies. Her Government's policy goal was to work for the harmonization of the activities and operations of the human rights treaty bodies and to ensure that the effects, practices and jurisprudence emerging from the actions and interactions of the treaty régime were not limited to the accessory States parties but had wider application to the international community as a whole.

40. Turning to agenda item 97, on the implementation of the Convention on the Rights of the Child, her delegation noted with satisfaction the increasing number of States that had acceded to or ratified the Convention. The ratification process was under way in Nigeria and her Government looked forward to participating at the first meeting of States parties in February 1990.

41. The United Nations should be commended for establishing a set of credible and useful standards in the area of the protection of the child. The appointment by the Commission on Human Rights of a Special Rapporteur on specific issues relating to protection of the child, the establishment of the Convention on the Rights of the Child, and the recent Declaration and Programme of Action adopted by the World Summit for Children clearly demonstrated the concern of the international community for the plight of children. Now the task of the international community was to translate the rights specified in the Convention into national laws and practices.

42. Turning to agenda item 109, she said that Nigeria strongly condemned the continued violation of the rights of the child in South Africa, and called on the international community to take urgent action to remedy that unacceptable situation. Her delegation demanded the immediate and unconditional release of all detained children and an accounting for all missing and disappeared children. It believed that the elimination of apartheid would create conditions for the full realization of the rights of children in South Africa. Her delegation also condemned the practice of torture and other cruel, inhuman or degrading treatment or punishment, wherever or whenever they might occur. It was imperative that the international community should act in concert to ensure compliance with established standards.

43. She concluded by reaffirming the unswerving commitment of the Government of Nigeria to the defence and protection of human rights. The international political situation, particularly the developments in Eastern Europe, had created favourable conditions for the enjoyment of all human rights and fundamental freedoms. However, it was impossible to ignore the fact that the sharp deterioration in economic and social conditions had seriously impaired the ability of the populations of the countries of that region to realize their fundamental and inalienable rights. The international community must not only reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small, but it must pay equal attention to the promotion of social progress and improved standards of living.

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44. Mr. BARAL (Nepal) drew attention to the remarkable change in attitudes in international relations that gave human rights high priority on foreign policy agendas and saw in that change evidence of an unprecedented convergence of ideological positions hitherto unrealized by the world community. However, as stated by the Secretary-General in his report on the work of the Organization (A/45/1, sect. VI), resolution of conflicts, observance of human rights and the promotion of development together wove the fabric of peace; if one of those strands was removed, the tissue would unravel. It was now understood that development that did not consider the global needs of the human person became an absurdity. The Charter objective of "social progress and better standards of life" was possible only in "larger freedom".

45. Special consideration should be given to the financial situation of the human rights treaty bodies, particularly the crisis which had adversely affected the activities of the Committee on the Elimination of Racial Discrimination since 1986. His delegation urged Member States to take due account of the recommendations put forward by the third meeting of persons chairing the human rights treaty bodies contained in the annex to document A/45/636.

46. Nepal was fully committed to ensuring the exercise of basic human freedoms. The time had come for all States to accept common humanitarian norms based on fundamental freedoms and democracy in order to reach a global consensus on the effective implementation of rights. Democracy had emerged as a prerequisite for development and Member States must ensure a minimum degree of democratization in their societies.

47. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that although scientific and technological developments had raised living standards and laid a solid basis for the implementation of human rights, careful consideration should be given to the moral and social consequences of scientific progress, particularly environmental degradation. In that connection, he stressed the need to find an acceptable balance that would ensure observance of basic human rights and at the same time promote the development of science and technology. Although contemporary society could not function without scientific and technical advances, they must be controlled and evaluated according to the extent to which they enhanced the well-being of the individual, the enjoyment of freedom and security.

48. Certain scientific and technological advances were fraught with dangers for the exercise of the rights of the individual, the well-being of society and general living standards. Not all scientific discoveries and innovations should necessarily be put to use: mechanisms should be established for evaluating scientific advances particularly their possible secondary and long-term consequences. It was essential in that regard to determine whether the advantages to be derived were greater than the foreseeable negative consequences. Such an evaluation process must be conducted at the international level in the interest of all peoples. The right to participate in the taking of such decisions was a basic human right.

(Mr. Ogurtsov, Byelorussian SSR)

49. The Chernobyl nuclear disaster was one of the world's worst catastrophes. Since its consequences unfortunately could not be eliminated, all peoples and the entire biosphere must simply adjust to the irreversible post-Chernobyl situation and endeavour to reduce its effects to a minimum.

50. Mrs. BANGOURA (Guinea) said that the States parties to the Convention on the Rights of the Child, whose growing number reflected the political will to protect children, must take all the necessary legislative, administrative, social and educational measures to ensure their access to and adequate financing of medical services, health care and education. Efforts to implement the Convention should aim at protecting the rights of children and creating a healthy environment in which they could grow up. Developing countries, especially the least developed ones, required support from the entire international community in order to achieve those objectives.

51. The situation of African children merited particular attention. Their survival often depended on such factors as drinking water supply and a healthy environment. The situation of children in Liberia was particularly tragic and more than half of the 520,000 Liberian refugees in Guinea were children. Her delegation called upon the entire international community to save the children of Liberia and their country from massive destruction.

52. Her Government had made a considerable effort to improve the living conditions of children. It had set up a programme to ensure primary health care for pregnant women and babies. Health centres had been established in the most remote areas of the country in order to provide immunization coverage. UNICEF had supplied the centres with equipment and medicine and was also participating in a national educational and sanitation programme. The Ministry of Social Affairs was conducting a programme to raise public awareness of the situation of Guinean children and their rights. The general national reform being carried out by the Government accorded special attention to children's access to education. In that connection, her delegation expressed gratitude for the assistance provided by the various United Nations agencies, particularly UNICEF, which was making a considerable effort to improve the living conditions of mothers and children in Guinea. In spite of the progress made, however, child mortality remained very high. She therefore called on the United Nations, especially UNICEF, to develop an information policy aimed at rural population groups to help them to improve their lives and those of their children.

53. Mr. BARKER (Australia) said that the elaboration of the framework of international law enshrined in the human rights treaty system - a labour of more than 40 years - was a major United Nations achievement. The wide adherence to the International Covenants demonstrated the universality of the principles they expressed. Australia urged those States which had not ratified or acceded to the Covenants to consider doing so as a matter of priority and called on the United Nations to provide technical assistance to Governments at their request to enable them to assimilate the norms of the Covenants international legislation into their own legal systems and to comply with reporting obligations. It also called on the

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United Nations to increase its efforts to publicize its Bill of Rights and the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights.

54. Australia welcomed the two new instruments adopted at the forty-fourth session of the General Assembly, the Convention on the Rights of the Child and the Second Optional Protocol to the International Covenant on Civil and Political Rights and looked forward to the adoption of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families.

55. His country was particularly interested in the draft universal declaration on the rights of indigenous peoples, the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, and the draft body of principles and guarantees for the protection of mentally ill persons and for the improvement of mental health care, but considered that the emphasis should now shift to implementation of existing instruments. Effective implementation depended largely on Governments, which must ensure that they complied with treaty obligations both in observance of human rights standards and in timely and adequate reporting.

56. With regard to the growth of the treaty system, he noted that there were now six bodies monitoring treaties, with a total of over 530 States parties, double the number 10 years previously. The growth in the system, which had been qualitative as well as quantitative, had brought many problems which had not been foreseen by the drafters and negotiators of human rights instruments, some of which required urgent attention to prevent the system from collapsing under its own weight.

57. The independent expert who had studied the question had noted that the combination of the proliferation of standards, the range and depth of activities of the policy-making organs and the number of treaty bodies could make it difficult to maintain a consistent approach to the application and monitoring of human rights standards. Consistent interpretation of those standards was essential for the coherence of the treaty system and its credibility as a demonstration of the international community's commitment. Careful observance of General Assembly resolution 41/120 was essential in work on new standards.

58. The question of resources had two aspects: the problems of financing by States parties and the need for adequate secretariat resources to service the treaty bodies: the Committee on the Elimination of Racial Discrimination and the Committee against Torture, which had to rely on States parties for financing, had both had to cancel meetings. It was essential to find a way of putting those bodies on a sounder financial footing, and Australia was willing to examine with others the possibility of meeting all treaty body costs within the regular budget without prejudice to other priority human rights areas. He noted in the Secretary-General's report to the Economic and Social Council (E/1990/50) the extreme pressure placed on the Centre for Human Rights, whose work-load had increased

(Mr. Barker, Australia)

enormously as a direct result of the expansion of the range of human rights instruments in force, and urged that action should be taken.

59. On the question of reporting procedures, his delegation believed that the submission of periodic reports for examination by and discussion with the expert committees was an important factor in strengthening States' acceptance of accountability for their record in promoting and protecting the human rights of their citizens. The approach was particularly appropriate at a time when countries were reviewing their attitudes to human rights and looking for more co-operative action, since it encouraged constructive dialogue and fostered a more open and less defensive attitude. However, preparation, submission and consideration of periodic reports had imposed great strain on the monitoring bodies and on national bureaucracies and streamlining was essential. Some measures had already been taken and pre-sessional working groups, in particular, had proved a cost-effective means of dealing with the volume of reports. Cross-referencing might be valuable but would be difficult to implement on a large scale. Further study was necessary.

60. He was pleased to note that the consolidated reporting guidelines and the manual for the guidance of States parties prepared by the United Nations Institute for Training and Research (UNITAR) in co-operation with the Centre for Human Rights had been completed and urged their distribution as soon as possible. Moreover, since the processing of information was a major part of the work of the treaty bodies, the effective use of computer technology would help to solve their problems by making the reporting system more flexible, by making information more readily accessible and by facilitating the provision of information on other human rights matters in response to requests by the Secretary-General. It would also increase Secretariat productivity.

61. Mr. HENNESSY (Ireland), referring to agenda item 106 and the progress made in achieving the objectives of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, said that, while it was encouraging to note from the report of the Special Rapporteur that a number of countries, including the Soviet Union, had taken important measures aimed at ensuring religious freedom, religious intolerance continued to exist in all regions of the world.

62. Infringements of the rights and freedoms embodied in the Declaration usually led to the infringement of other human rights, such as the right to life, liberty and security of the person, freedom of movement and freedom of opinion and expression, and it was disturbing to note that the Special Rapporteur had reported an increase over the past year in alleged violations of the right to life in connection with the enjoyment of the rights and freedoms of religion and belief.

63. The Special Rapporteur had pointed out that violations could be due to a wide variety of circumstances, such as restrictive legislation and failure by public authorities to observe national laws purporting to ensure freedom of religion. In his delegation's opinion, however, an equally significant cause was the existence of tensions between religious groups which masked a complex matrix, often rooted in

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(Mr. Hennessy, Ireland)

history, of political, social and economic forces. In such situations, it was only by tackling root causes that a basis for lasting stability could be established. Generally speaking, however, religious intolerance was an inability to accommodate differences and diversity. That being so, good laws were necessary but not sufficient: tolerance and respect for the rights of others must be encouraged in all societies as the essential basis of all efforts to promote and protect human rights, with educators and religious leaders playing an important part. Problems of religious intolerance often arose in connection with minority rights, and work on the protection of freedom of religion or belief should take that aspect into account.

64. His delegation was encouraged by the growing willingness of Governments to co-operate with the Special Rapporteur, which confirmed the validity of the Special Rapporteur's dual mandate, namely, to examine incidents inconsistent with the Declaration and wherever possible to pursue dialogue between Governments and religious communities. It was a sign of the progress made that an appointment which had originally been contested, had now been renewed for a further two years.

65. His delegation urged all Governments to pay careful attention to the Special Rapporteur's recommendations for future action. With the coming tenth anniversary of the Declaration on the elimination of religious intolerance, it would be particularly useful for Governments to consider national and regional measures to ensure its effective implementation, and for the anniversary to be marked by emphasis on public information and activities related to the publication, dissemination and implementation of the Declaration.

66. Mr. PIBULSONGGRAM (Thailand), speaking on agenda item 97, said that the World Summit for Children had adopted a strategy that promised better protection and development for children, a blueprint that would assure their survival. The World Declaration and Plan of Action gave national Governments, international organizations, bilateral aid agencies and non-governmental organizations a solid framework for implementing their own programmes of action.

67. Almost 20 million of Thailand's population of 55 million were children under the age of 14. Promotion and protection of children was an integral part of the Government's national economic and social development plan and the current five-year plan placed great emphasis on survival, development and protection services. The right to survival was society's basic obligation to all newborn infants and young children and that entailed adequate nutrition, living standards and medical services for children and assistance to young mothers and mothers-to-be, including education about child feeding. As a result of those measures, maternal mortality in Thailand had been reduced by more than 50 per cent in eight years and infant mortality by 20 per cent in the past three years. Primary health care was available in nearly 90 per cent of Thai villages. Six years of compulsory education were provided for all Thai children and the period would soon be increased to nine years.

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(Mr. Pibulsonggram, Thailand)

68. A major Government concern was how to protect children from abuse and exploitation. The strengthening of Thai laws and regulations on child labour, together with on-site inspections, had been very effective and the extension of compulsory education to a period of nine years would also help to reduce child labour.

69. In August 1990 the Government of Thailand, in co-operation with the United Nations Children's Fund (UNICEF), had hosted the First National Assembly on Child Development in Bangkok, attended by representatives from governmental and non-governmental organizations. The Assembly had focused mainly on the minimum basic needs of children, with the object of adopting policies and developing new strategies for action. The National Declaration on Children adopted by the Assembly, which reflected provisions in the Declaration of the New York Summit, would provide guidelines for those drafting Thailand's next five-year plan, due to begin in 1992.

70. The proclamation of 1990 as the International Literacy Year had been important for international efforts to promote the rights and the development of the child. Education was an inalienable right of every individual, a cornerstone of civilized society and the key to survival. His Government had therefore taken great pride in hosting the World Conference on Education for All, in March, in co-operation with UNICEF, UNESCO, UNDP and the World Bank. The essential thrust of the Conference had been that literacy was not the preserve of the few. It was no longer a luxury, but a universal necessity.

The meeting rose at 12.25 p.m.

UNITED NATIONS
General Assembly
FORTY-FIFTH SESSION
Official Records

THIRD COMMITTEE
38th meeting
held on
Monday, 12 November 1990
at 10 a.m.
New York

SUMMARY RECORD OF THE 38th MEETING

Chairman: Mr. SOMAVIA (Chile)

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Distr. GENERAL
A/C.3/45/SR.38
20 November 1990

ORIGINAL: ENGLISH

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 89: EFFECTIVE IMPLEMENTATION OF UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS AND EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO SUCH INSTRUMENTS (*continued*) (A/45/3, chap. V, sect. A, A/45/205, 207, 216, 222, 227, 230, 234, 235, 264, 265, 266, 267, 269, 270, 272, 280, 636, 707, A/44/668, annex)

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AGENDA ITEM 110: ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS (*continued*) (A/45/202, 203, 205, 207, 225, 227, 230, 254, 264, 265, 266, 267, 269, 270, 272, 280, 626)

1. *Mr. SLABY* (Czechoslovakia), referring to agenda item 89, said that the figure of 767 reports that Member States had failed to submit to the bodies monitoring implementation of international human rights treaties, mentioned in paragraph 12 of the report of the third meeting of persons chairing the human rights treaty bodies (A/45/66), was intolerably high and indicated inconsistent approaches by some Member States to compliance with their obligations under individual Covenants.

2. The situation was linked with the question of financial contributions to support the activities of those bodies. The General Assembly should give serious consideration to improving the situation, for example, by linking the activities of treaty bodies through the exchange of material and reports and possibly by the participation of officials in each other's meetings, which should not involve additional costs since meetings normally took place in New York or Geneva. Consideration might also be given to regular meetings between chairmen of the treaty bodies, although that might involve additional costs.

3. His delegation welcomed the measures already taken or being adopted to improve the operation of the treaty bodies, such as the production of the manual for the preparation of implementation reports, and was ready to consider other ideas such as improving advisory services, increasing publicity and using cost-referencing to prevent overlapping of work. It should be remembered that the international legal

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(Mr. Slaby, Czechoslovakia)

instrument was the principal organ, the treaty body being responsible for monitoring compliance. It was through that process that the human rights situation throughout the world could, he hoped, be vastly improved.

4. In connection with agenda item 97, he noted that Czechoslovakia had signed the Convention on the Rights of the Child - which had entered into force with remarkable speed - and it was hoped that a proposal for ratification would be placed before Parliament shortly. The fact that the committee that was to monitor the implementation of the Convention was due to start work in 1991 was one more argument for the allocation of additional resources to the United Nations human rights programmes. As the President of Czechoslovakia had stated at the World Summit for Children, the Convention should prohibit parents and adults in general from lying, serving dictatorships, informing on others, betraying their friends and ideals on the pretext of acting in the interests of children.

5. Commenting on agenda item 105, he said that ratification of the Optional Protocol to the International Covenant on Civil and Political Rights, together with the Declaration under article 41 of the Covenant, had been approved by the Government and submitted to Parliament. Czechoslovakia had submitted its third periodic report on the implementation of the Covenant but had had to cancel its presentation to the implementation committee because of the ongoing political and social changes in Czechoslovakia and it hoped to present a new report in the first half of 1991. It had been impossible to meet the deadline of 17 November 1990 set by the Centre for Human Rights because new legislation had not yet been completed. Czechoslovakia would also shortly be signing the European Convention on Human Rights.

6. With respect to agenda item 106, it was true that prior to 1989, Czechoslovakia's attitude towards religious freedom had left much to be desired. For example, religious activity was subject to State approval and the State had systematically curtailed such activity. Provisions under the Penal Code had restricted services by preachers, prohibited religious wedding ceremonies unless preceded by a civil marriage and denied exemption from military service on grounds of religious belief. The laws had now been amended to abolish those restrictive practices and also to provide for the participation of Church representatives in criminal proceedings and in the rehabilitation of convicted persons. Those were temporary measures, however, pending the adoption of new laws, once the new Constitution of the Czech and Slovak Federal Republic and the Constitutions of the two national republics had been adopted. Meanwhile, the legal code would fully observe the norms laid down in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.

7. A similar situation existed in the case of agenda item 109. Czechoslovakia's report to the fifth session of the Committee against Torture, due to be held later in the month, had been withdrawn and a new one would be submitted by the end of June 1991.

(Mr. Slaby, Czechoslovakia)

8. With regard to the violation of international obligations by the encroachment of the Czechoslovak security forces on Národni Street in Prague on 17 November 1989, the former State leadership bore full responsibility. The liability of former officials involved was still under investigation by a Parliamentary Commission and some people were now being prosecuted or had already been sentenced. The Commission was also trying to establish the political responsibility of those who had made the decision to use force or participated in the preparation and execution of the encroachment.

9. With regard to agenda item 110, he said that Czechoslovakia regarded observance of the important principle of free and genuine elections as an essential condition for the construction of a democratic society. The successful parliamentary elections held in June, the first for 40 years, had helped to improve his country's image and the forthcoming communal elections would complete the establishment of a democratic electoral system. However, despite the success of the elections, the various stages of the electoral process had not been without difficulties and Czechoslovakia therefore supported the call for the United Nations to provide assistance in the organization and monitoring of elections, particularly bearing in mind the success achieved in Nicaragua and Namibia.

10. Ms. ILIC (Yugoslavia) said that her delegation noted with satisfaction the growing number of States parties to the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights and its two Optional Protocols. It was pleased to note the comments of the Human Rights Committee concerning the non-discrimination provisions of the International Covenant on Civil and Political Rights and the different concepts of the family in various States. It was also gratified to see that the Committee on Economic, Social and Cultural Rights had further improved its working methods and had replaced its sectional reports by a unified global report, and that the Economic and Social Council in its resolution 1990/45 had welcomed the Committee's comment on the role of human rights in development and the means by which United Nations Development Agencies should integrate measures to promote respect for human rights into their activities. The system of general comments by the Treaty bodies should be further encouraged. She also welcomed the progress made by the Committee against Torture, despite financial difficulties.

11. Her delegation shared the view expressed by the Director, Implementation of International Instruments and Procedures Branch of the Centre for Human Rights, that the international human rights treaty system was the core of the United Nations work in the human rights field and that its role increased in importance with the number of ratifications and the adoption and entry into force of new instruments. Her delegation was pleased to note that progress had been made in following a number of important recommendations resulting from General Assembly initiatives and meetings of persons chairing the treaty bodies, such as the adoption of reporting guidelines for States parties and the completion of the manual on reporting prepared under the aegis of UNITAR in co-operation with the Centre for Human Rights, as well as the completion of the work of the task force on computerization. Her delegation supported the recommendations and conclusions of

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(Ms. Ilic, Yugoslavia)

the third meeting of the persons chairing the human rights treaty bodies, aimed at streamlining, rationalizing and otherwise improving reporting procedures.

12. Yugoslavia especially welcomed the entry into force of the Convention on the Rights of the Child and urged its speedy and universal ratification in view of the precarious situation of children, particularly in the developing countries. It was high time to take effective steps towards removing the major obstacles to more rapid social and economic development of the developing countries. Those obstacles impaired standards of living, especially in respect of food, social and health service for children and mothers and prospects for education, training and participation in cultural life. Every effort must be made to resolve the problems of children everywhere and to protect them from the dangers of drug abuse, an unhealthy environment and AIDS.

13. The World Summit for Children, in which the President of her country had played an active part, had been another turning point: it had provided a framework for the all-round development of children. The rights of the child had now become an inalienable component of the social and spiritual life of all nations and an urgent obligation of all States. The international community also had a moral obligation to deal with the developing countries' serious economic problems far more resolutely and purposefully; otherwise there could be no genuine solution to the problem of child development in those countries.

14. Her delegation noted with satisfaction that the World Summit for Children had entrusted the United Nations Children's Fund (UNICEF) with the task of preparing a consolidated analysis of the plans and actions undertaken by individual countries and the international community in support of the child-related development goals for the 1990s, and that the General Assembly would be kept informed of progress and additional action through a periodic review by the governing bodies of the relevant specialized agencies and United Nations organs of the implementation of the Declaration and the Plan of Action of the World Summit.

15. Yugoslavia was in process of ratifying the Convention on the Rights of the Child. The Convention had already been translated and widely distributed, measures had been taken to adjust legislation accordingly, round-table discussions had been organized and some children had been polled to ascertain their views on the Convention and the rights it established.

16. Mrs. ARYSTANBEKOVA (Union of Soviet Socialist Republics) said that recent experience had confirmed the importance of human rights questions in the overall context of international co-operation. The era of confrontation and ideological contests was ending. There was a growing awareness in the international community that dictatorship, totalitarianism and closed societies were incompatible with the concept of a civilized society in which the value of the individual was respected. Although countries had different approaches to human rights depending on their history, culture and traditions, the unifying factor was the Universal Declaration of Human Rights and the other international human rights instruments. The Organization therefore should do everything to promote the universal acceptance and observance of the principles set forth in those documents.

(Mrs. Arystanbekova, USSR)

17. Her delegation noted with satisfaction that in recent years a number of important human rights instruments had been adopted, including the Convention against Torture, the Declaration on the Right to Development and the Convention on the Rights of the Child. The draft convention on the protection of the rights of all migrant workers and their families was sufficiently balanced and duly reflected the interests of all States. Her Government welcomed the progress made in drawing up documents on the rights of minorities and indigenous peoples and hoped that it would be possible to complete the drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms and the set of principles on protection of the rights of the mentally ill. It might also be time to consider ways to strengthen norms relating to freedom of conscience and alternatives to military service.

18. Her delegation attached importance to the implementation of the principle of periodic and genuine elections as an important condition for ensuring the rights and freedoms of the individual. It was hoped that a consensus could be reached on that question through dialogue between delegations.

19. The monitoring committees established under the international conventions had a key role to play in the implementation of those instruments. In that connection, her delegation stressed the need for the timely submission of periodic implementation reports. Application of the recommendations put forward by the persons chairing the human rights treaty bodies contained in the annex to document A/45/636 would also considerably enhance the effectiveness of the committees concerned and the entire United Nations human rights structure. A system of international monitoring was necessary to improve the observance of human rights in all countries by bringing domestic legislation into line with international norms and encouraging States to review their procedures and practices.

20. The prevention of human rights violations was also an important task, requiring objective data on the situation in all countries and mutually acceptable methods of preventive action. To that end, the activities of United Nations human rights bodies should be co-ordinated and improved and the independent status of experts serving on international bodies should be strengthened.

21. Confidence-building measures were also a promising area of co-operation in the field of human rights. Such measures could initially consist of voluntary unilateral steps by States to permit non-governmental delegations to monitor elections and observe judicial procedures. Objective international monitoring did not constitute interference in the internal affairs of States and could become an important factor in achieving the objectives pursued by the international community.

22. The Soviet Union was endeavouring to enhance its participation in the international human rights monitoring procedures as part of its long-term strategy to bring about far-reaching changes in Soviet society. That process of democratization was based on respect for the basic rights and freedoms of the individual. The Soviet legislative reform was gaining momentum and a multi-party

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(Mrs. Arystanbekova, USSR)

system had already been established. A law guaranteeing freedom of the press had been enacted in August 1990, abolishing censorship and guaranteeing access to information. In October, the Supreme Soviet of the USSR had adopted a law on freedom of conscience and religious associations, which complied with international norms.

23. A world conference on human rights could be a milestone in promoting international co-operation in humanitarian activities and should deal with specific ways to improve United Nations initiatives in that regard. It should focus on strengthening the existing international legal basis and be carefully prepared so as to make the most effective use of limited resources. The Soviet Union considered United Nations human rights programmes a matter of priority and supported proposals to allocate additional financial resources to strengthen the competent Secretariat bodies, particularly the Centre for Human Rights. Her delegation hoped that the discussion of humanitarian questions would promote the universal observance of human rights and was prepared to co-operate with all States to achieve that goal.

24. Mr. AL-HAMAMI (Yemen) said that the two main objectives of free and fair elections were to ensure the participation of citizens in the political process and to make political representatives answerable to their electorate. The Constitution of the newly unified Yemeni State stipulated that representatives to the national assembly should be elected by a secret, free and direct public ballot. The right to vote and stand for election was guaranteed to all Yemeni citizens, as were the principles of freedom of opinion and expression and equality before the law.

25. It was therefore all the more regrettable to see Yemeni citizens in neighbouring States unjustly subjected to various forms of torture and inhuman practices solely by reason of their nationality.

26. That circumstance called to mind the long-standing tragedy of their Palestinian brothers, against whom the Israeli occupation forces used various modern methods of torture and for whom eviction, deportation and killing were daily events chronicled by the world media. International public opinion was urged to put an end to that tragic situation. The Swedish Save the Children Fund, in a praiseworthy January 1990 report on the situation of Palestinian children in the occupied territories, had given details of the torture and inhuman treatment of those innocent human beings. His delegation had high hopes that implementation of the World Declaration on the Survival, Protection and Development of Children, which had been signed at the recent World Summit for Children, would ensure that the children of the *intifadah* and other suffering children enjoyed the same good health, well-being and attention as other children.

27. Mrs. KABA (Côte d'Ivoire) said that although the family provided the natural framework for the development of children, the international community still had a role to play in that connection, and it had been for that reason that UNICEF had been created. Other important landmarks in United Nations action in favour of children included the Declaration of the Rights of the Child adopted in 1959, the

(Mrs. Kaba, Côte d'Ivoire)

Proclamation of the International Year of the Child in 1979, the adoption of the Convention on the Rights of the Child under General Assembly resolution 44/25 and the entry into force of that Convention on 2 September 1990.

28. Children's rights were based on the right to life, protection and development and to participate in decisions which related to them. In connection with the right of children to life, she told of an incident which had occurred at the OAU Summit at Addis Ababa in 1988, when the Director-General of UNICEF had introduced a small girl to the African Heads of State and Government. When asked what she wanted to be when she grew up, she had replied, "I want to be alive". Her only ambition was to survive, and there were millions of other children like her in the world, where 28 children under 5 years old, 27 of them from developing countries, died every minute of every day. Two thirds of those deaths were due to four diseases - diarrhoea, measles, tetanus and respiratory infections.

29. In order to cut the infant mortality rate in half, an additional annual investment of $US 2.5 billion was needed - an insignificant amount equivalent to what was spent on weapons throughout the world in a single day. In the developing countries, 100 million children were threatened with famine and malnutrition, and, according to UNICEF estimates, another 2.5 million children in Africa would die of AIDS by the year 2,000.

30. Her delegation welcomed the Bamako Initiative adopted by the African Ministers of Health in 1987 to meet the need for primary health care in rural areas and felt that it should be upheld and encouraged by the international community. African Governments were paying an increasing amount of attention to the problems relating to children and, at the most recent OAU Summit, had adopted an African charter for child rights and welfare and a number of resolutions relating to children and had proclaimed the Decade of the African Child. The participation of a large number of African Governments in the World Summit for Children spoke eloquently of their concern in that regard. Although it was necessary to ensure that children enjoyed the right to life, there was little point in saving them from death only to give them over to a life of poverty and ignorance, in which they were exploited and treated with indifference. Fifty per cent of all African children lived in absolute poverty. Special action was called for from humanitarian bodies and NGOs to ensure that they were protected against life-threatening situations. Special attention was also required in the case of orphans.

31. At the World Conference on Education for All held in Thailand in March 1990, literacy programmes had been proposed as one way of ensuring the development of society. There were at present 100 million children of school age, including 600 million girls in the world, who had never set foot in a school and had thus been deprived of all prospects for decent employment and hence for a bright future for their own children. In order to end the vicious cycle of poverty, $US 50 billion needed to be invested in primary education programmes during the 1990s. That challenge could be met by putting an end to the transfer of resources from the South to the North.

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(Mrs. Kaba, Côte d'Ivoire)

32. The well-being of children depended not only on good health and a sound education but also on a stable social and family environment, in which children could receive support and guidance and could assimilate the moral and spiritual values of the community.

33. Miss BACH-TOBJI (Tunisia) said that the United Nations, exercising the moral authority conferred on it by its Charter, had served as an appropriate framework for the codification of humanitarian law, which was reflected in the municipal legislation of States. Some international human rights instruments were particularly important in that they made provision for machinery to supervise the exercise of the rights to which they referred and that machinery had demonstrated its usefulness and effectiveness. In that connection, her delegation wished to pay a special tribute to the Human Rights Committee for the spirit of co-operation it had displayed in its examination of Tunisia's third periodic report on the application of the Covenant on Civil and Political Rights and to reiterate the intention of the Government of Tunisia to continue making improvements in certain areas where a number of obstacles stood in the way of the realization of human rights.

34. The bodies responsible for supervising the implementation of the instruments relating to human rights were facing serious problems relating to the rationalization of their work, and the recent institution of meetings of their Chairmen had provided a good solution to some of those difficulties. In that regard, she said her delegation felt there was a vital need to encourage the exchange of experience acquired within each of those organs, whose very survival, particularly in the case of the Committee on the Elimination of Racial Discrimination, was threatened by a shortage of financial resources. The General Assembly had envisaged measures to remedy that situation, such as the creation of an emergency fund for temporary financial relief, but it had become urgent to give priority to the adoption of such measures if the bodies concerned were to continue to function. It was vital to review the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination in the light of the possibility of financing CERD out of the regular United Nations budget.

35. With regard to agenda item 109, she noted that the Government of Tunisia had submitted its first report under the Convention Against Torture in April 1990 and had decided to contribute to the United Nations Voluntary Fund for Victims of Torture to demonstrate its determination to banish all forms of torture and inhuman treatment, especially those practised against children imprisoned in South Africa. Such practices would continue until such time as the odious and barbarous system of *apartheid* was abolished. Tunisia also condemned the massacres and torture carried out against Palestinians, including children, in the Israeli-occupied territories. It was time to put an end to the nightmare conditions in which those people lived and to restore their right to life and to an independent State. That goal could be realized only within the framework of an international peace conference attended by all the parties concerned.

36. Mr. BAMSEY (Australia) stressed the importance for Governments of the two international Covenants reflecting on the content and the practical measures needed to implement them. There had long been an unproductive debate over the relative priority of the two sets of rights they embodied, which represented two different but complementary approaches.

37. The remarkable changes which had taken place in various parts of the world in recent years gave practical expression to long-repressed aspirations for individual freedom and a democratic order, on the one hand, and for improved standards of living, on the other. Those aspirations were reflected in the two Covenants, whose complementarity was apparent from their common preambular paragraphs.

38. The dignity of the individual depended not only on guarantees against arbitrary action by the State, but also on his or her enjoyment of such rights as adequate food, clothing, housing and education. One difference between the two sets of rights was that the Covenant on Economic, Social and Cultural Rights required States parties to take an active role in helping to bring about the achievement of the rights to which it subscribed, whereas many civil and political rights required the State to respect them by not doing anything to violate or infringe individual freedoms. He pointed out that efforts to achieve economic, social and cultural rights overlapped with efforts to realize the right to development and that in paragraph 145 of the report on the Global Consultation on the Right to Development as a Human Right (E/CN.4/1990/9/Rev.1), it was made clear that civil and political rights and the right to development were also complementary. Those whose civil liberties were suppressed could not participate in the process of development. His delegation therefore could not accept the assertion that one set of rights took precedence over or was conditional on achievement of another set of rights and believed it was far more productive to consider practical means of realizing all the human rights embodied in the major United Nations instruments. By the same token, it did not believe that it was legitimate to use the shortcomings of collective international co-operation as a pretext for suppressing basic freedoms. Action must be taken on all fronts simultaneously.

39. At its forty-fourth session, the General Assembly had adopted two important new instruments in the field of human rights. His delegation was particularly pleased at the rapidity with which the Convention on the Rights of the Child, which Australia had helped to draft, had entered into force and believed that it would provide increased protection to generations of children and young people. Australia had signed the Convention, and it was currently in the process of ratification. In accordance with its view that the death penalty violated the right to life, Australia also welcomed the adoption of the Second Optional Protocol to the International Covenant on Civil and Political Rights.

40. The question of religious intolerance was an important issue for Australia. It was disturbed by continuing religious intolerance in various parts of the world and supported the work of the Special Rapporteur as well as the efforts being made to enhance the promotional and public information activities of the United Nations

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in matters relating to freedom of religion and belief. It endorsed the suggestion made by the delegation of Ireland that, to mark the tenth anniversary of the adoption of the Declaration on Religious Intolerance, Governments should consider steps at the national and regional levels to ensure that it was implemented more effectively.

41. With regard to torture, he said that no State was immune from the arbitrary misuse of power by its officials and urged States which had not yet signed, ratified or acceded to the Convention against Torture to consider doing so as a matter of priority. His delegation also commended the work of the Special Rapporteur of the Commission on Human Rights on questions relating to torture and supported his view that the root causes of the use of torture must be attacked. It also supported the aims of the United Nations Voluntary Fund for Victims of Torture. Australia had been an active participant in the working group drafting a body of principles and guarantees for the protection of mentally ill persons, and regarded the instrument which had emerged as a practical initiative of immediate value. It looked forward to its early adoption.

42. Speaking on behalf of the delegation of New Zealand as well as his own delegation, he expressed the deep concern of their Governments over the failure of the authorities in Myanmar to make any serious move towards the transfer of power to a civilian Government in accordance with the express wishes of the people of that country. That refusal was especially disturbing at a time when many countries were gradually instituting truly democratic systems of Government, as defined in the Universal Declaration of Human Rights.

43. Mr. PICKERING (United States of America) said that United Nations efforts to enhance the effectiveness of the principle of periodic and genuine elections were based on the Universal Declaration of Human Rights. Recent experience in Namibia and Nicaragua had shown that United Nations support for elections could be instrumental in resolving a broad range of difficult situations. Consideration should be given to developing a United Nations capacity to respond to needs for electoral assistance in a coherent, structured and rapid manner.

44. His country understood that political and social ideals were often implemented slowly and with much travail and it respected the right of States to establish different political systems within their constitutional and political frameworks. Since there was no single political system that suited all nations, it was the duty of all the members of the international community to respect decisions taken by States in freely choosing and developing their electoral institutions.

45. The electoral process created an enduring bond between the governed and those who exercised authority in the people's name. It provided a means of catharsis, healing and civic rededication, enabling all the people to participate in redirecting their lives. The United Nations should strengthen its capacity to make electoral services available upon request and with full respect for the sovereignty of Member States. The Organization could provide technical assistance to improve election procedures and offer electoral services as part of ongoing efforts to maintain international peace and security.

(Mr. Pickering, United States)

46. He suggested that the Secretary-General should implement the proposal put forward by President Bush during the general debate in the plenary that the United Nations should establish a special co-ordinator for electoral assistance to be assisted by an electoral commission of distinguished experts from around the world to meet the growing number of requests by States. Having demonstrated its effectiveness on an ad hoc basis in Namibia and Nicaragua, the United Nations should proceed to regularize and codify its accumulated knowledge to enable it to respond efffectively and systematically to future requests.

47. The electoral commission of distinguished experts could be composed essentially of a roster of distinguished individuals who would act as the Secretary-General's special representatives during United Nations missions providing electoral assistance. With regard to organization and management, agreement could be reached on an administrative approach that would make electoral assistance available on a case-by-case basis and a prudent and frugal approach should be maintained towards expenses of a general nature. Funding could be either on a voluntary basis or provided partially by regional organizations and by the Member State requesting the assistance.

48. Strengthening United Nations capacity in providing electoral assistance required careful thought and more time than was available during the General Assembly. He, therefore, recommended that the General Assembly should request the preparation of a report on alternative ways to administer United Nations electoral services for submission to the forty-sixth session. Such a measure would have the advantage of enabling the Organization to receive, sort and choose the best approaches, tailored to the desires of Member States. Furthermore, additional improvements would be based on practical experience. In respect of periodic and genuine elections, as in other matters of economic development, the key factors should be efficiency and flexibility.

49. Mr. CHADERTON MATOS (Venezuela), referring to agenda item 106, said that there was freedom of religion in his country. Denial of such freedom violated the fundamental canons of human freedom and dignity established in the Universal Declaration of Human Rights and other international instruments, led to religious discrimination and could breed conflicts between States.

50. He thanked the Special Rapporteur for his report to the Commission on Human Rights (E/CN.4/1990/46), which enumerated the persistent violations of human rights stemming from religious intolerance and the main stumbling blocks to the application of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. He felt that an international instrument on the subject would enhance the United Nations effectiveness in that field and constitute a renewed appeal to the international community to prevent religious intolerance, especially as the tenth anniversary of the Declaration was approaching. In drafting such an instrument, the points submitted by Mr. van Boven, a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1989/32) should especially be taken into account. The suggestion formulated at the third meeting of the persons chairing

(Mr. Chaderton Matos, Venezuela)

the human rights treaty bodies in December 1989 should also be borne in mind, namely that any new international instruments should be adopted in the form of protocols to already existing instruments.

51. In pursuance of one of the fundamental aims of the United Nations, encouragement and respect for human rights, the Committee on Economic, Social and Cultural Rights was making a vital contribution through its consideration of periodic reports of States on their implementation of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and also in interpreting the scope and content of the provisions of those instruments. His delegation fully endorsed the general comments adopted by the Committee on Economic, Social and Cultural Rights on the fundamental role that human rights should play in the development process and in particular, the recommendation that all United Nations development activities should ensure full respect for human rights.

52. While the Organization was being called upon to shoulder a heavier responsibility in supporting human rights activities through its monitoring agencies and the Centre for Human Rights, it was not being allocated the necessary financial resources. The Secretary-General's report to the Economic and Social Council and the General Assembly on the subject attested to that fact (E/1990/50). He hoped that the proposals for the long-term solution to the Organization's financial and personnel needs in respect of human rights included in the programmes of the 1992-1993 biennium would receive broad support. At present, they were awaiting the Secretary-General's report on the provisional measures to be taken during the current biennium, to rectify the tight financial situation.

53. Venezuela had ratified the Convention on the Rights of the Child less than one year after its adoption. His delegation was gratified that the Convention had entered into force so quickly and Venezuela wished to be a member of the Committee on the Rights of the Child that would supervise its implementation. At the national level, Venezuela planned to convene a national conference on the child on the anniversary of the enactment by its legislature of the Act on the Convention on the Rights of the Child.

54. The Venezuelan Government had placed children high on the list of social concerns and one of its immediate targets was to ensure that the necessary conditions were provided for the growth and intellectual development of children. Despite the country's economic difficulties, it was committed to carrying out a series of nutrition and education projects, to assist disadvantaged children and 42 per cent of its 1991 budget was earmarked for social programmes that would benefit children. The programmes would be continually reviewed by the national authorities to bring them into line, where necessary, with the Programme of Action recently adopted by the World Summit for Children.

55. His delegation was filled with revulsion at the torture and inhuman treatment of the children in detention in South Africa (A/45/615) and deplored the fact that

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(Mr. Chaderton Matos, Venezuela)

the practice appeared to be so widespread under the apartheid system. He hoped that the international community would take effective and practical measures to address that situation and that it would not relax its vigilance despite the progress that had recently been achieved in South Africa.

AGENDA ITEM 94: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

Draft resolution A/C.3/45/L.32 (Agenda item 94)

56. Mr. FONTAINE ORTIZ (Cuba) introduced amendments to the draft resolution (A/C.3/45/L.42) which would have the effect of adding two preambular paragraphs and one new operative paragraph. The object of the amendments was to recall and add important elements and principles which had been already adopted by the Third Committee. He wished also to include a small addition which had not been included in the original draft resolution and would serve to complete it, namely, inserting the words "and 43/124 of December 1988," at the end of the first preambular paragraph.

The meeting rose at 12.25 p.m.

UNITED NATIONS
General Assembly
FORTY-FIFTH SESSION
Official Records

THIRD COMMITTEE
39th meeting
held on
Monday, 12 November 1990
at 3 p.m.
New York

SUMMARY RECORD OF THE 39th MEETING

Chairman: Mr. SOMAVIA (Chile)

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Distr. GENERAL
A/C.3/45/SR.39
29 November 1990
ENGLISH
ORIGINAL: SPANISH

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 102: FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN TO THE YEAR 2000 (*continued*) (A/C.3/45/L.19/Rev.2)

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Draft resolution A/C.3/45/L.19/Rev.2 (agenda item 102)

1. *Ms. McLENNAN* (United States of America), introducing draft resolution A/C.3/45/L.19/Rev.2, said that Papua New Guinea and Mongolia had joined the list of sponsors. After many consultations with various groups, the sponsors had accepted the changes contained in the revised draft. She hoped that the draft resolution would be adopted by consensus.

2. *Mr. BANGUI-DUCASS* (Central African Republic) said that the international community's agreement on respect for human rights should be commended, since more than 70 per cent of the Member States had ratified or acceded to the International Covenants on Human Rights.

3. The Central African Republic was pleased to have acceded to the various international human-rights instruments, in particular the African Charter of Human and Peoples' Rights. The international community had considered the trial of the former Central African Emperor - the second trial of a former head of State to be held in the twentieth century - exemplary from the point of view of respect for

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human rights; the Central African Republic had thereby demonstrated its determination to be included among the States which respected human rights and freedoms.

4. He drew attention to some of the adverse consequences of scientific and technological developments for the spiritual side of man, and said that the United Nations should have at its disposal a body which would enable it to exercise its moral authority effectively. Consideration should therefore be given to the establishment of an ethics committee under the authority of the Secretary-General, which would make the international community and public opinion aware of the moral consequences of scientific, technical, economic, social and cultural activities. Such a committee, which would be neither a legal nor a political institution, could be composed of persons whose moral reputation or unquestionable competence in humanitarian issues had been universally recognized.

5. Mr. SEZAKI (Japan) commended the wide-ranging codification of human rights since 1966, which included the adoption of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and more than 20 other international instruments on the subject. However, the proliferation of international instruments could cause problems.

6. There was the risk that a sufficient number of States might not become parties to an instrument, which would preclude its universality. That had been the case with the International Covenants on Human Rights, to which only 90 countries had acceded to date. If new standards were to be accepted and enforced, due account must be taken of the significant differences in the legal, social and economic situations of different countries and regions of the world.

7. It sometimes happened that new agreements contradicted each other or overlapped with other existing agreements. From the standpoint of universality, it was appropriate to bear in mind General Assembly resolution 41/120 of 4 December 1986.

8. There was also the problem of reservations, which were inconsistent with the main purpose of the standards set forth in the agreements.

9. The reporting obligations of States parties would become increasingly complicated and there could be delays in their submission and consideration.

10. It would therefore be advisable to standardize the content requirements for national reports, avoid duplication, lengthen the intervals between reports, and alleviate the burden which such reports imposed on States parties, for example by computerizing the reporting system.

11. With regard to the submission of reports, the role of the advisory services was crucial, particularly in the training of officials working in the human-rights field. Those services should feature prominently in United Nations public information programmes in order to ensure that interested States became familiar

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(Mr. Sezaki, Japan)

with, and used, them. It would be helpful to establish guidelines for the functioning of such services.

12. He emphasized the importance of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights, and said that his Government had contributed $US 50,000 to the Fund in both 1989 and 1990.

13. Informal meetings, such as the one held in December 1989 between the Centre for Human Rights and donor countries, were also important for improving the advisory services.

14. The problem of financing the treaty bodies must be solved. Such financing should come from the States parties. While there had been some instances of funding from the regular budget of the United Nations, they should not be regarded as a precedent. That would only increase the Organization's current serious financial constraints, just when the United Nations was stepping up its activities to promote and protect human rights and to find solutions to a range of social problems including drugs, the status of women, crime prevention, youth, the aging, and the disabled.

15. With regard to the question of religious intolerance, he noted that discrimination in that area constituted not only a serious violation of human rights, but could also affect peace and security at the national and international levels. His Government therefore attached great importance to the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by the General Assembly in 1981.

16. The question of codifying the Declaration was complex and delicate, requiring careful study and the involvement of non-governmental and grass-roots organizations. In his delegation's view, the United Nations should focus its attention on ways to ensure the effective implementation of the Declaration.

17. It was to be hoped that the new concept of the child embodied in the Convention on the Rights of the Child would be properly understood and given favourable consideration, since the Convention viewed the child as an individual with specific rights and freedoms, and not as the mere recipient of care and protection from its parents and society.

18. Japan supported the idea of convening a world conference on human rights in pursuance of General Assembly resolution 44/156, of 15 December 1989, and stressed the crucial role of the Centre for Human Rights, since the international community depended upon it to ensure that genuine respect for human rights and fundamental freedoms was achieved throughout the world.

19. Ms. PRINCE AGBODJAN (Togo) said, with reference to agenda item 97 "Implementation of the Convention on the Rights of the Child", that the situation of children in the world constituted one of the most serious and pressing problems of the modern age. Praising UNICEF's persistent and valuable efforts to promote

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(Ms. Prince Agbodjan, Togo)

the growth and development of all the world's children, she also highlighted the activities of various organizations of the United Nations system, in particular the World Health Organization, and of non-governmental organizations, aimed at improving the situation of children.

20. She recommended that the Convention on the Rights of the Child should be as widely disseminated as possible, since few even knew that it existed. The Convention could only help to enhance the status of children if its provisions were given practical implementation by Governments. The signing of the Convention by a large number of countries was convincing proof of the importance attached to it by the international community.

21. Urgent measures should be adopted to ensure the effective implementation of the Convention, specifically by organizing information and awareness campaigns at the international, regional and national levels, by accelerating the ratification procedures in order to give the Convention a truly universal character, by taking prompt measures to bring national legislations into line with its provisions and by setting in motion the mechanism to monitor its implementation.

22. It was essential to co-ordinate those measures at all levels in order to achieve the objectives set for children and development and to strengthen international co-operation with the developing countries, particularly the least developed and most indebted among them. Moreover, in order to improve the situation of children, it was also imperative to improve the juridical and social status of women.

23. Togo was among the first 20 signatories to the Convention and was convinced that no sacrifice was too great when dealing with the problems of young people and children. Her Government was therefore implementing policies in full harmony with the Convention's provisions.

24. Her delegation welcomed the results of the World Summit for Children and fully supported the objectives of the Plan of Action for child survival, protection and development. It was gratified to note that its primary objective was to relieve the sufferings of children.

25. Mr. WARADI (Fiji), speaking on agenda item 106 "Elimination of all forms of religious intolerance", remarked on certain aspects of the evangelical work carried out in Fiji and other Pacific islands during the colonial period and on the social evolution from tribal warfare and cannibalism to polytheism and monotheism achieved in the course of a mere half century. Fiji's heterogeneous society had made religious pluralism possible.

26. Fiji endeavoured to ensure that its legislation and official administrative processes reflected sensitivity, understanding and tolerance of beliefs and religious diversity. The régime of equality and tolerance established by its Constitution fostered peaceful and harmonious coexistence in a multi-religious and multiracial society. Fiji had enlisted the assistance of religious and charitable

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(Mr. Waradi, Fiji)

bodies and of other non-governmental organizations in addressing the problem of religious intolerance and promoting popular awareness to encourage the practical implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted in 1981, and of its protocols.

27. He commended the work of the Special Rapporteur, who had kept the Comittee informed about incidents and governmental measures which were inconsistent with the Declaration. His delegation also strongly supported the consideration by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of an international convention on the elimination of intolerance and discrimination based on religion or belief.

28. He also expressed his concern regarding the perpetuation of practices of religious intolerance in certain parts of the world mentioned in the Special Rapporteur's report, and shared the international community's dismay at the discrimination and persecution to which religious minorities and atheists were subjected.

29. Mrs. RASOANAIVO (Madagascar), emphasizing certain aspects of the distressing situation of children in many countries, emphasized that meeting the needs of the child should be taken as the starting point for the future development of the human race. Measures adopted in recent years, such as the Convention on the Rights of the Child, had provided evidence of the growing widespread awareness of that problem. The accession of many States to the Convention demonstrated the keen interest aroused by the current situation and their desire to change the status quo.

30. The effective implementation of the Convention and the commitment by all States parties to adopt active and positive approaches to the problems would help improve the situation of children. Her Government's policies were based on a philosophy consistent with the country's real possibilities. The State played a co-ordinating, regulating and catalysing role and co-operated closely with non-governmental organizations, rural and urban communities and religious groups in developing, formulating and implementing policies for the survival, development and protection of the child.

31. Her Government had set as its target to immunize 75 per cent of its children before the end of the century and fostered the active involvement of communities in primary health care, with the aim of creating a healthy environment, primarily through pure drinking water supply and sanitation programmes and projects.

32. The nutrition strategy of the Government of Madagascar was based on programmes to support information on nutrition, the creation of school canteens and the teaching in schools of the basic facts about production of essential foods. Although the literacy rate was currently 80 per cent, one factor that had had an adverse effect on the literacy programme was the drop-out rate in schools, for many children left school in order to work, so as to help their families make ends meet. In order to rectify that situation, a programme was being implemented as a

follow-up to the literacy programme, and steps were being taken to raise family incomes and improve living standards.

33. The Government was giving priority to pre-school child care and had set up assistance centres for teenagers. It was also dealing with the protection of children in difficult situations, especially homeless children. There were non-profit organizations that dealt with disabled children. There was no doubt that the Convention on the Rights of the Child would give new impetus to national activities and international co-operation to benefit children.

34. Ms. BARGHOUTI (Observer for Palestine) said that since the start of the Israeli occupation in 1967, the Palestinian people had been living in conditions of the utmost hardship. Israel was blatantly flouting the rights of the Palestinians and was implementing a policy of genocide. It was beating, detaining, torturing and murdering Palestinians, as well as splitting up their families and destroying their homes. The result was hundreds of dead and thousands of wounded among those waging a just and legitimate fight against the occupation. The most recent massacre had occurred on 8 October 1990, in Jerusalem.

35. Israel's savagery had intensified during the first two years of the *intifadah*. As of today, Israel had murdered approximately 2,000 people and wounded more than 5,000. Scores of women had suffered miscarriages, many thousands of Palestinians had been crippled, more than 10,000 homes and business premises had been totally or partially demolished, hundreds of cars had been burned, and thousands of trees uprooted. Those figures were based on reports by Amnesty International, the Commission on Human Rights and various non-governmental organizations, some of them Israeli, dealing with the protection of children and human rights. All those reports revealed the sufferings inflicted on the Palestinian people by the tyrannical policy of Israel, which had been roundly condemned by the international community.

36. Children made up 50 per cent of the Palestinian population. The majority of them had undergone physical torture and detention; and the Israeli army, police and settlers had driven them from their homes. According to one Swedish non-governmental organization, hundreds of women had been tortured and their sufferings had had serious psychological consequences for their children. Many children required treatment for injuries resulting from poison gas and bullets. The average age of the children who had been murdered was less than 10 years. Many of them had been murdered in their homes, evidence that they had not been out on the streets, protesting with the demonstrators. According to one Israeli non-governmental organization, children in the detention centres had been beaten in an attempt to extract false confessions from them. Children under interrogation were also threatened with the demolition of their homes or the expulsion of their relatives.

37. With the exception of the children of South Africa, whose circumstances were different, no children in the world suffered more than those of Palestine. While the World Summit for Children was being held at the United Nations on 30 September

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(Ms. Barghouti, Observer, Palestine)

and 1 October 1990, many Palestinian children had taken refuge in the offices of the Red Cross in Gaza and had sent a message to the world leaders meeting in New York, requesting their assistance. In that message, the Palestinian children had declared that they were living under the Zionist yoke and at the mercy of Israel's terrorist practices. They had also declared that their rights had been violated, that they had been tortured and deported, and their homes destroyed. Palestinian children had been unrepresented at the World Summit in New York, clear proof that they were being ignored.

38. Palestine called upon the international community to apply the Convention on the Rights of the Child to all the world's children, particularly Palestinian children, who were fighting for freedom with the most rudimentary weapons: with stones. The Convention must now enter into force.

39. In conclusion, she said that the time had come for the international community to reaffirm its will to oppose the Israeli occupation, since peace was a *sine qua non* for respect of the dignity of the child, and of human beings in general.

40. Mr. KASOULIDES (Cyprus) said that observance of human rights was one of the fundamental objectives of the United Nations and its organs, since it was related to the maintenance of international peace and security. Standard-setting activities on human rights were one of the Organization's most formidable accomplishments.

41. Cyprus attached great importance to the human dimension of the functions of the United Nations, as reflected in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and its Optional Protocols, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and all other relevant instruments. Cyprus noted with satisfaction the number of ratifications or accessions to the International Covenants and to the Convention.

42. However, implementation of those international human-rights instruments was the stumbling block. At a time of sweeping developments all over the world, in which the United Nations was taking on a more dynamic role, attention should be focused on securing universal adherence to, and to monitoring compliance with the existing instruments.

43. Cyprus had studied with interest the conclusions of the study by the independent expert on possible long-term approaches aimed at enhancing the effective application of existing and prospective treaty bodies, and the conclusions of the third meeting of persons chairing the human-rights treaty bodies. Those reports had highlighted the problems that the growth of the treaty system had brought with it, problems that had not been foreseen when the human-rights instruments were drafted. The reports underlined the need for normative consistency; for adequate State and secretariat resources to service the treaty bodies; and for cross-referencing in the reporting procedures. It was to be hoped that all States would co-operate in meeting those needs.

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(Mr. Kasoulides, Cyprus)

44. Cyprus commended the work of the task force on computerization on the establishment of a data base to store and process information on the reporting system. Cyprus had ratified or had acceded to the main international human-rights instruments, and the international machinery established for that purpose was free to monitor the work of the courts and, more generally, the country's human-rights record. Nevertheless, in part of Cyprus, protection of human rights was outside the control of the Government, since that part of its territory was occupied by another State.

45. The Human Rights Committee had made significant progress in the implementation of human-rights standards, through dialogue and consensus, benefiting from the recent events on the world stage.

46. Cyprus welcomed the adoption by the General Assembly of the Convention on the Rights of the Child, which was the result of laborious and prolonged negotiations, and which was a remarkable achievement in which the specific need for protection and care of children through a legally binding instrument was fully recognized. It was gratifying to note that a large number of States had signed the Convention, a fact which must be interpreted as a sign of the efforts to improve the welfare of children and safeguard their fundamental rights.

47. On the subject of the Second Optional Protocol to the International Covenant on Civil and Political Rights, he said that in Cyprus the death penalty - which in any case had not been carried out for the previous 27 years - had been abolished except for certain military offences.

48. With regard to the elimination of all forms of religious intolerance, Cyprus, like many other countries, had a heterogeneous society. The principle of religious freedom, proclaimed most particularly in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, had always been one of the salient characteristics of his country's society. For generations the Greek Cypriots, who represented approximately 80 per cent of the population and belonged to the Greek Orthodox Church, had intermingled in the same towns and villages, on a basis of friendship, mutual respect and religious tolerance, with the Muslim Turkish Cypriots, who comprised approximately 18 per cent of the population.

49. The Constitution of Cyprus guaranteed freedom of religious worship and the equality of all religions before the law, prohibited all discrimination against any religious institution and recognized the right of individuals to practise their religion in public or private, individually or collectively.

50. Unfortunately, the exercise of those rights had been severely restricted in the occupied part of Cyprus as a result of foreign aggression and occupation. His delegation firmly believed that without external interference, the Greek Cypriot and Turkish Cypriot communities would manage to coexist peacefully and harmoniously, as they had for centuries.

51. He agreed with those who believed that the current international situation provided a unique opportunity to implement international human-rights instruments

(Mr. Kasoulides, Cyprus)

establishing enforcement mechanisms and procedures. Respect for human rights and fundamental freedoms was a prerequisite for the existence of a more humane international society.

52. Mr. LOHIA (Papua New Guinea) said that the aspirations of all peoples were reflected in the Convention on the Rights of the Child, which the General Assembly had adopted unanimously in 1989 and which the Government of Papua New Guinea had signed on 31 August 1990. The success of the World Summit for Children and the signing of the Convention on the Rights of the Child by more than 100 States represented a milestone in human history.

53. Although they comprised a culturally diversified society, the people of Papua New Guinea shared a common philosophy of life based on the traditional extended family. That family structure gave every individual the necessary security to feel safe in society at large.

54. In accordance with the growing international consensus on giving greater attention to the human dimension of development in the 1990s, Papua New Guinea endorsed the World Declaration on the Survival, Protection and Development of Children in the 1990s, as well as the Plan of Action for its implementation. The country had already incorporated into its overall national development strategies many of the objectives and activities provided for in the Convention on the Rights of the Child.

55. The country's educational programmes took full account of the need for the total development of the child as an individual. The educational system was based on the principle of integrated human development. The full development and integration of children was necessary to liberate them from under-development and exploitation.

56. The Prime Minister of Papua New Guinea had held consultations recently with the Chairman of the South Pacific Forum and other leaders of the region on the need for a regional programme for the growth, development and protection of the child, in accordance with the Convention and the World Declaration. The Prime Minister had also consulted with UNICEF during the World Summit for Children on the need to convene a regional conference in the South Pacific for the purpose of properly informing Pacific Island Governments of the Convention and its implementation. His delegation requested the United Nations and its specialized agencies to promote national and regional programmes to enhance the implementation of the Convention.

57. Since the institution of the family was vital to the total development of the child and since environment and development should not be isolated from programmes for children, the Preparatory Committee of the United Nations Conference on Environment and Development, to be held in Brazil in 1992, must take full account of both the Convention and the Declaration.

58. Mr. OUDOVENKO (Ukrainian Soviet Socialist Republic) said that the Universal Declaration of Human Rights and the International Covenants on Human Rights

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(Mr. Oudovenko, Ukrainian SSR)

constituted a solid basis for international co-operation in that field. However, it was necessary for all States to implement systematically the principle of the indivisibility and interdependence of all human rights, since that was the only way to broaden the scope of civil and political rights. The issue of human rights had recently been the focus of discussions throughout the world because of new threats to the development of the human personality and also because of the need to review areas of co-operation and to examine social and political trends without ideological or other distinctions.

59. He expressed satisfaction with the constructive spirit demonstrated in the deliberations of the forty-sixth session of the Commission on Human Rights and with the productive work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. The third periodic report which the Ukrainian SSR had submitted on the implementation of the International Covenant on Civil and Political Rights bore witness to the significant progress achieved in that country in terms of new human-rights legislation and other measures. The observations of qualified international experts would undoubtedly help to promote the adoption of national legal measures.

60. His country also intended to accede to the European Convention on Human Rights and had already requested permission from the French Minister for Foreign Affairs to participate in the Conference on Security and Co-operation in Europe, to be hosted by France during the forthcoming Summit in Paris. In September, a European seminar on international human-rights standards had been held in Kiev, in which scientists, diplomats and experts from governmental and non-governmental organizations had participated in discussions on topics relating to the legal protection of human rights.

61. On 16 July 1990 the Supreme Soviet of the Ukrainian SSR had adopted a Declaration on the State Sovereignty of the Ukraine, which recognized the supremacy of the rules of international law over national legislation. The Ukrainian Government had adopted measures to codify and strengthen human rights and to supervise the legal procedures designed to implement them, which had achieved notable success in regard to vulnerable groups such as children and migrant workers.

62. Ample coverage had still, however, not been received by some topics, including that of ethnic and religious minorities. The Ukrainian Soviet Socialist Republic was willing to co-operate fully in the work of the Human Rights Commission in that regard and had included the question in bilateral declarations, such as that prepared in conjunction with Poland (A/45/657). The joint statement formulated with Hungary (A/45/597) also contained a clear exposition of the concern felt by both parties in respect of human rights and the individual and collective rights of national minorities, and it had also been agreed to embark on the preparation of a draft European Charter of the Rights of Minorities because it was believed that the adoption of such a document would be an important contribution to the establishment of a common European home.

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(Mr. Oudovenko, Ukrainian SSR)

63. The question of human rights and scientific and technological developments had been considered in the General Assembly, the Commission on Human Rights and other forums. In that respect, attention should be drawn to the important decision referred to in resolution 1990/41 of the Commission of Human Rights with regard to a study on the problems of the environment and its relation to human rights.

64. With regard to agenda item 106, he said that the Ukrainian SSR had begun to formulate legal provisions aimed at guaranteeing freedom of thought, religion and belief. By virtue of the recently adopted law on freedom of thought and religion, recognition was given to the right to disseminate religious ideas, receive religious teaching collectively or at home and establish contact with other religious organizations abroad and exchange information with them. The Ukrainian SSR was creating conditions in which all religious groups could conduct their activities without discrimination and all citizens could profess the faith of their choice.

65. Mr. MONTALVO (Ecuador), referring to agenda item 89, said that although human rights had been an inherent feature of every human being before they had been enshrined in international instruments, Ecuador attached due importance to the international conventions and agreements on human rights.

66. As for the effective operation of the human-rights treaty bodies, he noted that the report of the persons chairing them (A/45/636) contained a number of very practical and valid proposals regarding the supervision of the treaties, the co-ordination of the treaty bodies, the conduct of their work and the dissemination of the country reports, the publicity given to them and, in particular, the manner in which they were presented. In spite of its cost, the computerization project would be of the utmost usefulness to the Centre in its work. Due attention needed to be paid to the financing needs of the various committees. In that respect, he noted the valuable contribution made by the voluntary funds, which should be strengthened.

67. The planned world conference on human rights would provide a unique opportunity to reaffirm the fact that human rights remained a major issue. Ecuador, which was a signatory to the main international human-rights instruments, had already subscribed to the Convention against Torture and would subscribe to the second Optional Protocol to the International Covenant on Civil and Political Rights, relating to the abolition of the death penalty.

68. As for agenda item 93, he said that although scientific and technological progress should be shared by all mankind in order to promote and encourage universal respect for human rights, the excessively materialistic nature of the world order had given rise to economic inequality, which had meant that rather than contributing to peace, scientific and technological progress had become a source of tension, which the international community should eliminate.

69. With regard to religious intolerance, he said that since the Constitution of Ecuador guaranteed freedom of religion, Ecuadorian society was characterized by broad religious pluralism.

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(Mr. Montalvo, Ecuador)

70. Ecuador had been the first Latin American country to ratify the Convention on the Rights of the Child and the first country in the world to embark on its implementation. It had formulated a programme, which UNICEF had taken as a world model, to organize a plebiscite, directed and co-ordinated by children, so that all Ecuadorian children could vote to select the rights they felt had the most impact on their lives. The Government was, in addition, actively engaged in the implementation of the provisions of the Convention, Declaration and Plan of Action adopted at the recent World Summit for Children.

71. With regard to agenda item 110 and a draft resolution submitted under it, he said Ecuador felt that the electoral process of any State lay within the sovereign and exclusive purview of that State. Any electoral act was an internal and intrinsically political affair, affecting the very lives of the people of the country concerned. That being the case, elections could not be made subject to interference by outside factors as that would change their very nature. Although exceptionally there might be cases in which it might be advisable to seek United Nations assistance, such assistance should be rendered only at the request of the State concerned. Otherwise, intervention in that form could have negative political consequences for the United Nations itself.

72. The CHAIRMAN, referring to the question posed by the representatives of Greece and the Netherlands at the 36th meeting of the Committee with regard to a document relating to agenda item 89, said that the Secretariat had reported that that document was being prepared and would be distributed as soon as possible.

73. Ms. VASSILIOU (Greece), noting that no definite reply had been given as to the date on which the document would be distributed, said that it referred to solutions to the difficulties facing the Centre for Human Rights and would be used as a background paper for the preparation of a draft resolution, of which Greece was the principal sponsor. She asked whether the Secretariat could speed up its work so that the report could be distributed to members of Committee on Friday, 16 November, at the latest. Otherwise, the Committee would not be able to study it as required under Economic and Social Council resolution 1990/47.

74. Ms. KODIKARA (Philippines) joined the delegation of Greece and other delegations in requesting that the report on the Centre on Human Rights should be distributed by the beginning of the following week at the latest. The Third Committee needed the report to complete its consideration of the sixth cluster of agenda items and to adopt the necessary measures.

75. Mr. DUHS (Sweden) endorsed the views expressed by the representatives of Greece and the Philippines concerning the importance of distributing the report. During the debate on the medium-term plan, the Nordic countries had stressed the need for more resources for the Centre for Human Rights. If the Third Committee was to give due consideration to that question and prepare a resolution on it, it would need the report.

76. Mr. BRETHES (France) endorsed the views expressed by the representatives of Greece, the Philippines and Sweden and stressed the importance which his delegation attached to the speedy distribution of the report so that the Third Committee could perform the task entrusted to it.

77. Mrs. GARUBA (Nigeria), speaking in support of the interventions made by the representatives of Greece and the Philippines, noted that in speaking on the first cluster of agenda items, her delegation had asked that more resources should be allocated to the Centre for Human Rights. The report on the Centre was essential to the work of the Third Committee and should be submitted as soon as possible.

78. Mr. KHODAKOV (Union of Soviet Socialist Republics) said he shared the concerns voiced by the delegations which had taken the floor before him; he too hoped that the Secretariat would do everything in its power to submit the report in time for it to be considered and for the necessary decisions to be made with regard to the Centre.

79. Mr. BARKER (Australia) said that in its statement on agenda item 89, his delegation had referred in great detail to the question of resources for human-rights activities. The report was required in order to examine that question more carefully, and for that reason he associated himself with those representatives which had asked that the document should be distributed in the course of the present week.

80. Mr. CRUZ (Chile) said he too wished to join those representatives who had taken the floor before him to draw attention to the Third Committee's need to be seized of the report on the Centre on Human Rights in time.

81. The CHAIRMAN said he hoped the Secretariat would take the necessary steps to see that the document in question was distributed by the end of the week (16 November) at the latest.

The meeting rose at 5.30 p.m.

UNITED NATIONS

General Assembly

FORTY-FIFTH SESSION

Official Records

THIRD COMMITTEE
40th meeting
held on
Tuesday, 13 November 1990
at 3 p.m.
New York

SUMMARY RECORD OF THE 40th MEETING

Chairman: Mrs. ZINDOGA (Zimbabwe)
(Vice-Chairman)

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Distr. GENERAL
A/C.3/45/SR.40
29 November 1990
ENGLISH
ORIGINAL: SPANISH

90-57084 3233S (E)

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In the absence of the Chairman, Mrs. Zindoga (Zimbabwe)
Vice-Chairman, took the Chair.

The meeting was called to order at 3.20 p.m.

AGENDA ITEM 101: ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (*continued*) (A/C.3/45/L.22)

Action on draft resolution A/C.3/45/L.22

1. The CHAIRMAN announced that Nigeria, Romania, Senegal and the Ukrainian SSR, had joined the sponsors of draft resolution A/C.3/45/L.22 entitled "Convention on the Elimination of All Forms of Discrimination against Women". The draft resolution had no programme budget implications.

2. Draft resolution A/C.3/45/L.22 was adopted without a vote.

3. The CHAIRMAN announced that the Committee had concluded consideration of agenda item 101.

AGENDA ITEM 102: FORWARD-LOOKING STRATEGIES FOR THE ADVANCEMENT OF WOMEN TO THE YEAR 2000 (*continued*) (A/C.3/45/L.19/Rev.2, L.20, L.21, L.24 and L.25)

Action on draft resolution A/C.3/45/L.19/Rev.2

4. The CHAIRMAN announced that Benin, Cameroon, Mongolia, Nigeria, Papua New Guinea and Samoa had joined the sponsors of draft resolution A/C.3/45/L.19/Rev.2 entitled "Improvement of the status of women in the Secretariat", and invited the Committee secretariat to explain the programme budget implications of the draft resolution.

5. Ms. KAMAL (Secretary of the Committee) read out operative paragraph 5 and said that, in keeping with General Assembly resolution 43/103, the Secretary-General had appointed a female staff member at the D-1 level in the Office of Human Resources in 1989 as the Principal Officer, Focal Point for Women in the Secretariat. The post, which was being financed from extrabudgetary resources would be maintained throughout 1991. Extension of the post would be considered in the context of proposed programme budget for the biennium 1992-1993. Taking that into account, it was calculated that operative paragraph 5 of draft resolution A/C.3/45/L.19/Rev.2 could, as requested, be financed from existing resources. Furthermore, a female staff member at the D-2 level, who was the Director in the Executive Office of the Secretary-General was responsible for keeping the Secretary-General informed of the progress made in that regard.

6. Draft resolution A/C.3/45/L.19/Rev.2 was adopted without a vote.

7. Mr. RAVEN (United Kingdom), speaking in explanation of the vote, congratulated the drafters of the resolution on their wisdom and skill and requested the Committee, without exceeding its mandate, to send a message to the

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(Mr. Raven, United Kingdom)

Secretary-General, concerning the forward-looking strategies, urging him to improve the status of women in the Secretariat. However, in his delegation's opinion, all specific personnel matters fell within the purview of the Fifth Committee and the Committee should not overstep its bounds and adopt decisions that should be taken by the Fifth Committee neither should it make interpretations of the relevant provisions of the Charter that differed from those of the Fifth Committee. Consequently, the sponsors were right in including the words "in accordance with the Charter" in operative paragraph 1 of the draft resolution. He drew particular attention to Article 101, paragraph 3 of the Charter.

8. Ms. EJIRII (Japan), speaking in explanation of the vote, said that her delegation in essence supported the content of the draft resolution just adopted. Her delegation believed that the subject of the draft resolution was being dealt with in the Fifth Committee and therefore, hoped that a further effort would be made during the present session to ensure that the resolution was not at variance with the results of the Fifth Committee's deliberations on the subject. She reiterated that it was important, when the question of improving the status of women in the Secretariat was being discussed, that such improvement should be achieved within the context of the efforts being made to restructure the United Nations Secretariat on the basis of the report of the Group of 18 and of the relevant resolutions.

Action on draft resolution A/C.3/45/L.20

9. The CHAIRMAN announced that Guyana, Niger and Nigeria had joined the sponsors of draft resolution A/C.3/45/L.20 entitled "Women and literacy".

10. Draft resolution A/C.3/45/L.20 was adopted without a vote.

Action on draft resolution A/C.3/45/L.21

11. The CHAIRMAN announced that Bangladesh, Cameroon, New Zealand and Samoa had joined the sponsors of draft resolution A/C.3/45/L.21 entitled "Interregional consultation on women in public life".

12. Draft resolution A/C.3/45/L.21 was adopted without a vote.

Action on draft resolution A/C.3/45/L.24

13. The CHAIRMAN announced that Guyana and Nigeria had joined the sponsors of draft resolution A/C.3/45/L.24 entitled "United Nations Development Fund for Women".

14. Draft resolution A/C.3/45/L.24 was adopted without a vote.

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Action on draft resolution A/C.3/45/L.25

15. The CHAIRMAN said that in the first line of operative paragraph 7 of draft resolution A/C.3/45/L.25 entitled "Implementation of the Nairobi forward-looking strategies for the advancement of women", the word "themes" should be replaced by "theme".

16. Mrs. ASHTON (Bolivia) speaking on behalf of the Group of 77, introduced the following amendments to draft resolution A/C.3/45/L.25. The words "on the basis of the objectives of the United Nations Decade for Women: Equality, Development, Peace, and of the sub-item: Employment, health and education and urges all organizations within the United Nations system to co-operate effectively with the Committee in performing that task;" should be added at the end of operative paragraph 6. In the second line of operative paragraph 18 the words "Migrant women and refugee women" should be replaced by the words "Migrant women and children and refugee women and children,".

17. Draft resolution A/C.3/45/L.25 was adopted, as orally amended, without a vote.

18. The CHAIRMAN announced that the Committee had concluded consideration of agenda item 102, as well as the third cluster of items as a whole.

AGENDA ITEM 89: EFFECTIVE IMPLEMENTATION OF UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS AND EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO SUCH INSTRUMENTS (continued) (A/45/3 (chap V, sect. A), 205, 207, 216, 222, 227, 230, 264, 265, 266, 267, 269, 270, 272, 280, 636, 668 (annex), 707)

AGENDA ITEM 93: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (continued) (A/45/3 (chap. V, sect. A), 580)

AGENDA ITEM 97: IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD (continued) (A/45/202, 222, 265, 269, 473)

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AGENDA ITEM 110: ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS (continued) (A/45/202, 203, 205, 207, 225, 227, 230, 254, 264, 265, 266, 267, 269, 270, 272, 280, 626)

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19. Mr. WISNUMURTI (Indonesia), after pointing out the importance both of the work of the United Nations in the sphere of human rights and of universal recognition of human rights norms, said that, in the Declaration of Social Progress and Development and, later, the Declaration on the Right to Development, recognition had been given not only to the integration of human rights in the development process but also the dimensions of the right to development as inalienable human rights. At the conclusion of a decade in which development efforts had been impeded by well-known circumstances, the relationship between development and human rights had become painfully obvious in the poverty, ill health and precarious existence in which millions throughout the world remained. It was clear that only when the most elementary needs and the existence of mankind had been ensured could the other aspects of human rights, which had equal importance, attain their full validity.

20. He drew attention also to the significance of the recent World Summit for Children, which demonstrated the international community's commitment to protect the most vulnerable and ensure sound development so as to strengthen the ethic that had been forged regarding the value of human life.

21. His delegation welcomed the report of the Secretary-General on the Implementation of the Convention on the Rights of the Child (A/45/473) and drew attention to the fact that Indonesia had ratified the Convention and had deposited the instrument of ratification with the Secretariat in New York on 5 September 1990, thus demonstrating its firm commitment to the rights of the child in its own country and throughout the world.

22. With regard to the item on religious intolerance, Indonesia was firmly convinced that freedom of conscience and religion were fundamental for ensuring the most elementary human rights. Religion should become a true source of lasting peace, harmony and conflict resolution.

23. The international community had reached an appropriate point to make a useful review of the achievements gained and problems to be faced with regard to the human rights programme. The convening of a world conference on human rights, which would facilitate that review and appraisal, would make a significant contribution to the effectiveness of the United Nations in the promotion and protection of human rights. Lastly, Indonesia was prepared to contribute to those efforts in its capacity as a new member of the Commission on Human Rights.

24. Mrs. BOUKADOUM (Algeria), speaking on behalf of the Libyan Jamahiriya, Mauritania, Morocco and Tunisia, States members of the Arab Maghreb Union, said that a year earlier the United Nations had observed the thirtieth anniversary of the Declaration on the Rights of the Child and the tenth anniversary of the International Year of the Child. In addition, following long and arduous negotiations, it had adopted the Convention on the Rights of the Child, which undoubtedly represented an important step forward in the work of protection and promotion of children.

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(Mrs. Boukadoum, Algeria)

25. The Arab Maghreb countries, convinced that the development and well-being of children were essential conditions for a secure and harmonious future for human society, had always supported the efforts of the international community in that regard and had contributed to those efforts. Those countries had participated, expressed their points of view and made proposals in the working group entrusted with the preparation of the Convention.

26. The establishment of the Arab Maghreb Union in 1989 had strengthened the position of its member countries on the rights of the child and had made it possible to co-ordinate their work better in that area. The meeting of the representatives of those countries held at Tunis in 1989 had been an important milestone at which, while analysing objectively the draft Convention and enriching it in the light of the special characteristics and concerns of those countries, they had also reiterated their support, in principle, for the adoption of the Convention. Those countries collectively welcomed the adoption of the Convention, which complemented existing norms in the field of human rights. Nevertheless, the limitations of the Convention must be borne in mind and an effort made to overcome them, with a view to guaranteeing all children, not only some of them, the possibility of developing in a spirit of peace, dignity, tolerance, freedom, equality and solidarity, in accordance with the United Nations Charter.

27. It should be pointed out that, scarcely 10 months after the adoption of the Convention, it had already been signed by 129 countries and ratified by 54. That showed new awareness of the sufferings of the great majority of children. It also reflected the firm will of the international community to offer them a future in which hunger, disease, abandonment and poverty had been eradicated.

28. The new awareness and firm determination of the international community had been demonstrated, above all, at the recent World Summit for Children. It had been the first meeting of that kind intended to offer to children the hope of a better future. The countries members of the Arab Maghreb Union applauded the adoption of the World Declaration on the Survival, Protection and Development of Children in the 1990s and the Plan of Action for the implementation of the Declaration and were among the signatories to those documents.

29. Clearly, achieving the objectives set forth in those instruments required unfailing solidarity on the part of the international community and a sustained and considerable effort. The Arab Maghreb Union hoped that the high level of political commitment evident at the Summit would lead to the efforts and resources necessary to achieve those objectives. To that end, the relevant United Nations bodies and agencies, particularly the United Nations Children's Fund (UNICEF), must have the necessary means to carry out their tasks. Furthermore, it was essential to set up a committee on the implementation of the Convention on the Rights of the Child with the sufficient means to carry out its work.

30. At the regional level, the countries of the Arab Maghreb were seeking to ensure that the Union had the necessary institutions and mechanisms to achieve its objectives and increase the protection of children and promote their well-being. Accordingly, the Maghreb Supreme Council for the child had been established, one of

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(Mrs. Boukadoum, Algeria)

whose immediate tasks was to set up a data bank on the children in the Maghreb in order to facilitate research and the taking of decisions concerning children. Similarly, the Union of Maghreb Associations for the Protection of Children had recently been established, which would strive to defend the rights of children, particularly sick, handicapped and poor children, and to promote and strengthen the associations' activities concerning children, the conducting of studies and enhance the complementary nature of measures adopted by member countries, particularly in the sectors of health and education.

31. In Palestine, many children continued to wage an unequal struggle for survival and the exercise of their most basic rights. The report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People on the situation of Palestinian children in the occupied Arab territories gave an idea of the tragic conditions in which they lived. Since the beginning of the military occupation 20 years earlier, two generations of Palestinian children had seen their basic rights severely restricted and had endured violent death and wounds and had been subjected to collective punishment and acts of cruelty, such as the destruction of their homes, and a general atmosphere of oppression, suspicion and fear. There were similar reports from South Africa, where children, from an early age, were victims of the inhuman practices perpetrated by the horrible *apartheid* régime. A struggle must be waged to restore the national rights of the Palestinian people and, as a matter of priority, to respond to the cries for justice by the children of the *intifadah*. Likewise, it was necessary to continue to exert international pressure in order to eliminate the *apartheid* system.

32. Mr. RALEBITSO (Lesotho), addressing agenda item 97, said that the adoption of the historic Convention on the Rights of the Child in 1989 had been one of the outstanding achievements of the forty-fourth session of the General Assembly. Lesotho, which had signed the Convention on 21 August 1990, noted with satisfaction the increasing number of States that had signed, ratified or acceded to it. His country commended the United Nations for establishing a set of useful standards for the protection of children, which the World Declaration and Plan of Action adopted at the World Summit for Children had recently further strengthened.

33. As an indication of the importance of child-related issues, African leaders had kept their attention focused on those questions despite many political and economic difficulties. Such concern had helped keep those questions on the public agenda. Likewise, it had led to advocacy and fund-raising activities on behalf of children at the global level. The Meeting of Heads of State and Government of the Organization of African Unity (OAU) held in 1990 in Addis Ababa had adopted seven landmark resolutions reiterating and reaffirming Africa's concern for its children and women.

34. It was the duty of Governments and the international community to ensure that the rights set forth in the Convention were implemented and incorporated into national legislation in order to achieve the desired objectives. It was a well-known fact that the quality of life of children, particularly those in the developing countries, was far from satisfactory and, in spite of the efforts made,

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(Mr. Ralebitso, Lesotho)

continued to deteriorate in some countries where the level of infant mortality, disease, malnutrition and literacy still left much to be desired.

35. In accordance with international standards for the protection of children, including those set forth in the World Declaration, Lesotho, through its Ministries of Social Welfare, Education and Health as well as local child-care organizations, UNICEF and non-governmental organizations, had endeavoured to make progress in ensuring the survival, production and development of children. In particular, Lesotho had given its utmost attention to the question of the right to life.

36. The Ministry of Health, in close collaboration with UNICEF and the World Health Organization (WHO), had strengthened the immunization campaign to prevent communicable diseases among infants from birth to 10 months of age. The campaign was designed to combat tuberculosis, tetanus, poliomyelitis, measles and whooping cough. Rural clinics had been constructed and through the press and radio broadcasts mothers had been made aware of the need for child immunization. A record immunization of 70 per cent to 80 per cent of all newborn children had been achieved between 1989 and 1990.

37. The Family Health Division of the Ministry of Health, in close co-operation with the Ministry of Agriculture and UNICEF, had carried out programmes to combat malnutrition, diarrhoea and acute respiratory infections.

38. In order to promote and maintain the living standards necessary for a healthy life, Lesotho, which was a low per capita income country, had concluded agreements with a number of international organizations in order to set up food programmes at primary schools. His delegation expressed appreciation to the World Food Programme (WFP), the Save the Children Fund (United Kingdom) and other organizations.

39. Lesotho, which did not want the 1990s to become another decade of lost opportunities, expressed its commitment to working with the international community in order to make a solid effort to enhance the health, education, growth and development of children.

40. Mrs. DAN NANA (Niger) said that one could not consider agenda item 97 without taking account of all those who formed the environment in which children lived, namely women (mothers, sisters, aunts and grandmothers) who were in contact with them; the family; young people, of whom they were a part; elderly persons, to whom they provided company; narcotic drugs, which constituted a threat to them; and, lastly, the economic, social and cultural milieu in which they would spend their adult lives.

41. The world was currently undergoing a process of change and should welcome the end of the cold war and the understanding that had finally been achieved. Nevertheless, the gap separating the North from the South continued to grow and social differences were becoming more noticeable between the children of the two regions, where in one well-being prevailed, while in the other impoverishment predominated.

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(Mrs. Dan Nana, Niger)

42. Some members of the United Nations were violating the international covenants on human righs. The Convention on the Rights of the Child might also suffer a similar fate in the future. Accordingly, the United Nations must henceforth be provided with better means and resources for the protection of children.

43. Children, who were the focus of concern in Africa, had become a problem with the onset of the conflict between modern values and the economic crisis which cruelly affected that continent. The situation of mothers and children was so tragic that the survival of 50 per cent of them could hardly be assumed because of numerous childhood diseases, armed conflicts and an unhealthy environment, all of which was aggravated by inhuman structural adjustment programmes and the debt burden.

44. The World Summit for Children had demonstrated the commitment of the international community to protecting children and ensuring their survival and development. In view of the role played by mothers in children's lives, achieving that objective depended on guaranteeing the protection, survival, development and rights of women. The implementation of the Convention of the Rights of the Child should include the progressive incorporation of its provisions into national legislation, a more dynamic press campaign, a greater effort to promote public awareness and the exercise of all the rights of the child without distinction as to sex. The principle of equality must be inculcated in children from an early age in order to change the situation of the women of tomorrow.

45. The obligations of States parties to the Convention on the Rights of the Child included the obligation to guarantee the full development of mothers and children by ensuring that mothers had time to care for their children, particularly poor mothers in rural areas, who needed access to credit in order to feed and to look after their children as well as their own health. It was also essential to ensure that children grew up surrounded by a physical, moral and economically sound family in order to ensure their proper development.

46. One of the ills that threatened young people was alcohol and drug use. The Expert Meeting on the Negative Social Consequences of Alcohol Use, held in Oslo in August 1990 (A/C.3/45/3), had concluded, inter alia, that alcohol-related problems affected family relations, the status of women and the welfare of children and young people. It had recommended the inclusion of the topic of the negative social consequences of alcohol use in the follow-up of the Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future, as well as its incorporation in the preparatory work for the International Year of the Family.

47. AIDS was another frightening ill that affected children and young people. Immediate support should be given to the World Health Organization and research institutions for the purpose of eradicating it.

48. The deterioration of the environment also had negative consequences on efforts to help children. Taken together with the aforementioned problems, it pointed to a need to redefine current priorities, redistribute resources more equitably,

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(Mrs. Dan Nana, Niger)

transfer technology in a more suitable fashion and adopt more flexible structural adjustment measures in order to improve the world social situation, including the plight of children. Despite its many economic problems, her country was waging a war on the illnesses that affected children. In 1979, the International Year of the Child, it had begun the process of integrating activities aimed at improving maternal and child health at all levels. With the material, financial and logistical support of the United Nations Children's Fund (UNICEF), the expanded programme of immunization had been organized; it had resulted in a significant improvement in immunization rates for such diseases as tuberculosis, diphtheria, whooping cough, tetanus, poliomyelitis and measles.

49. Furthermore, in the context of the policy goal of health for all by the year 2000, health activities aimed at providing safe drinking water and improving general sanitation were being carried out with the support of UNICEF and UNDP. National programmes in the areas of health, education and the advancement of women were being implemented with the help of UNICEF. At the latter's initiative, provisions had been made to establish a children's support committee, and a code of the family was being drafted.

50. Her country had ratified the Convention on the Rights of the Child and was pleased that the first State to ratify it had been an African country, Ghana. As a member of the Organization of African Unity (OAU), Niger had demonstrated its unfailing support for all initiatives that would benefit African children, and it welcomed the proclamation of the 1990s as the Decade for the African Child. It also welcomed the adoption of the African Charter on the Rights and Welfare of the Child at the most recent OAU Assembly of Heads of State and Government (A/45/482).

51. Mrs. MOLATLHIWA (Botswana), speaking in reference to agenda item 97, welcomed the adoption of the World Declaration on the Survival, Protection and Development of Children. Despite the long-standing efforts of the United Nations, tens of thousands of children were dying each day from malnutrition and preventable diseases. Some of those who survived ended up in the streets. Some worked as child labourers, and some were abandoned, butchered in civil strife and armed conflict or even recruited for military service.

52. Her country was pleased that the Convention had been signed by 130 countries, and that 55 countries had already ratified or acceded to it. Botswana placed the plight of children at the top of its development policy agenda, and education was free up to the university level.

53. Advances in the health field had brought about a considerable reduction in the child mortality rate in Botswana between 1960 and 1988, even during the years in which the country had suffered from severe drought. The drought relief programme had greatly reduced the malnutrition rate and had virtually eliminated severe cases of malnutrition.

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(Mrs. Molatlhiwa, Botswana)

54. The Children's Act of 1981, which provided for the establishment of special children's and juvenile courts, had recently been updated. The proposed five-year development plan for 1992-1997 provided for the expansion of social services in order to combat the problem of juvenile delinquency and meet the needs of abandoned children.

55. Her country had addressed the social problem of teenage pregnancy by including instruction on family life in the primary and secondary school curriculums.

56. Improving the legal and social status of women was a prerequisite to effective implementation of the Convention on the Rights of the Child. The participation of women in the development process should be facilitated by establishing pre-school or day-care facilities.

57. Her delegation took note of the report of the Secretary-General on implementation of the Convention on the Rights of the Child (A/45/473) and welcomed the unanimous adoption of the African Charter on the Rights and Welfare of the Child.

58. Mention should also be made of the outstanding role that had been played by non-governmental organizations in the implementation of the Convention on the Rights of the Child.

59. Mr. DEVANT (Haiti) said that despite the great support for various resolutions adopted by the General Assembly in the field of human rights, the desired results had, unfortunately, not always been achieved.

60. Haiti was a party to many international human rights instruments and intended to do its utmost to contribute to the attainment of the objectives of the Universal Declaration on Human Rights. It had signed the Convention on the Rights of the Child and would soon be acceding to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

61. The Government of his country had resolutely undertaken the task of restoring the rule of law, establishing a representative democracy and promoting political pluralism. Free elections would soon be held there at all levels of government, and the new Government would take office in February 1991. He hoped that the international community would once again provide the people of his country with the support needed for the success of that process of transformation.

62. Mr. SKIBSTED (Denmark), speaking on behalf of the Nordic countries in reference to agenda items 89 and 105, said that one of the most impressive achievements of the United Nations had been the extensive codification of human rights, the corner-stone of which was the International Bill of Human Rights.

(Mr. Skibsted, Denmark)

63. On 16 December 1991, it would be 25 years since the adoption of the Covenants, and the Nordic countries would be proposing that the General Assembly should commemorate that day by dedicating a meeting in their honour. They urged all Member States that had not yet become parties to the Covenants to take appropriate measures to remove obstacles to ratification or accession.

64. Respect for the rights of the individual was the principle underlying the approach of the Nordic countries to international issues, and they believed that States should respect those rights scrupulously. By accepting the Charter of the United Nations, Member States also accepted the Organization's authority to denounce human rights violations, and they could not reject such accusations as interference in their internal affairs.

65. In the communiqué following their September 1990 meeting, the Nordic Ministers of Development Co-operation had stated that the connection between democracy, human rights and sustainable development had become more and more evident.

66. The Nordic countries welcomed the General Assembly's adoption of the Convention on the Rights of the CHild, as well as of the Second Optional Protocol to the International Covenant on Civil and Political Rights, which was aimed at the abolition of the death penalty. The United Nations should now concentrate its efforts on implementation of the provisions of existing instruments. That issue should be the main objective of the envisaged world conference on human rights.

67. With respect to the serious problems relating to the reporting systems established under the various human rights instruments, the Nordic countries stressed the usefulness of meetings of the persons chairing the human rights treaty bodies. They welcomed the report of the third such meeting (A/45/636) and shared many of the concerns expressed therein. They also welcomed the report of Mr. Phillip Alston (A/44/668), which had been submitted to the General Assembly.

68. Perhaps the best way of reducing the overall reporting burden on States was to reduce overlapping. Each State party should identify the instances in which cross-referencing could be used effectively and appropriately in preparing its reports. If necessary, and if resources were available, the States concerned should be assisted in the preparation of their reports through the Advisory Services Programme. Each of the treaty bodies might also consider providing some guidance to States parties in this respect.

69. The problem of financing should be resolved, in particular for the Centre for Human Rights in Geneva. In the past decade the Centre's activities had almost doubled, while resources had failed to keep pace. The expenses of the treaty bodies should be covered from the regular budget of the United Nations. Experience had shown that any other solution would hamper their work.

70. The Nordic countries urged that States should contribute to the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights, since the strengthening of national institutions, including NGOs, was among the most efficient means of helping to promote the practical implementation of human rights standards.

71. Mr. DLAMINI (Swaziland) said that the belief that all men were created equal regardless of race, religion or sex had been the corner-stone of Swaziland's culture and legislation for many years. The Government of Swaziland would continue to seek ways and means to ensure that every individual living in or visiting the country did not suffer any personal abuse, and could seek a remedy if abused by anybody, including the State. Swaziland fully supported the efforts of the United Nations to attempt to address the problem on a world-wide scale.

72. The delegation of Swaziland noted with satisfaction the number of States that had acted with the right sense of urgency in ratifying or acceding to the Convention on the Rights of the Child. Swaziland fully supported all child-related development goals, had signed the World Declaration and Plan of Action, and had become a signatory to the Convention on the Rights of the Child.

73. Mr. PETERS (Netherlands) said that he would concentrate on the improvements in the treaty-based procedures, which had been gradually developed by the Commission on Human Rights and would be dealt with by the Third Committee under agenda item 12.

74. The Economic and Social Council had approved the new rules of procedure of the Committee on Economic, Social and Cultural Rights, that would govern the Committee's future conduct of work. The Netherlands drew attention to the content of the second general comment of the Committee entitled "International technical assistance measures", which was contained in the Committee's report on its work during its fourth session.

75. Although, in accordance with its mandate, the Committee's work was essentially legal and analytical, it had political impact. The Committee's decisions on individual communications also served to build up the body of authoritative interpretation of the Covenant on Civil and Political Rights. The Netherlands considered it very useful that some of the decisions of the Committee had been published in document CCPR/C/OP/2.

76. Turning to the report of the Human Rights Committee (A/45/40), the delegation of the Netherlands wished to emphasize the importance of the general comment on discrimination, since it explicitly included some cases where discrimination was not the purpose of an act by a public authority but certainly was its effect. The comments of the Committee served as a source of inspiration for the courts of the Netherlands in their implementation of the Covenant. The second comment adopted during the reporting period was devoted to the family. The present general comment reflected the Committee's decision to respect the content given to the concept of the family in different cultures and different States. All groups of people regarded as a family by a particular State must be given the protection referred to in article 23.

(Mr. Peters, Netherlands)

77. In the field of reporting, the Committee had asked many pertinent questions on human rights practices. The report indicated once again that States parties frequently did not describe the obstacles and difficulties they encountered. The Netherlands urged States to enter into a frank dialogue with the Committee in order to benefit to the maximum extent from the reporting system.

78. The Committee was empowered to ask for follow-up reports and interim reports. Paragraph 6 of General Assembly resolution 44/129 urged those States parties to the International Covenant on Civil and Political Rights that had been requested by the Human Rights Committee to provide additional information to comply with that request. Article 40 of the Covenant on Civil and Political Rights stipulated that States parties undertook to submit reports whenever the Committee so requested. Perhaps it would be appropriate for the Committee to invoke that provision in order to be able to start a dialogue regarding allegations of a sudden deterioration of the situation in a country from which, according to the timetable for the presentation of reports, a periodic report was not yet due.

79. The Netherlands noted the concern voiced by members of the Committee regarding the compatibility of certain laws with the Covenant (A/45/40, paras. 217 and 241). As that was a matter of wider concern, the Committee might see fit to draft a general comment on the question.

80. The report of the Committee against Torture indicated that that matter was very relevant also to the implementation of the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment. On a number of occasions the Committee against Torture had been called upon to express an opinion on certain legal measures taken on the issue of human rights violations. The Committee had concluded that a number of individual communications were inadmissible since the laws concerned had been promulgated before the Convention came into force. Some lawyers were of the opinion that a similar communication introduced under the first Optional Protocol to the Covenant on Civil and Political Rights would, however, be acceptable.

81. The Netherlands had been actively involved in all United Nations efforts to outlaw and to prevent torture, and would be introducing a draft resolution on the work of the Committee and the status of the Convention.

82. Courses were given in the Netherlands to medical personnel destined to be sent abroad, and had included information on the United Nations principles of medical ethics (General Assembly resolution 37/194 of 18 December 1982). The Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment had been translated into Dutch for the use of that medical personnel.

83. The work performed by the institutions benefiting from the United Nations Voluntary Fund for Victims of Torture was very useful. The Netherlands felt that the Board of Trustees was selecting the proper education and rehabilitation projects. The Secretary-General should prepare a fact sheet on the Fund and indicate in it how individuals could contribute financially to that most laudable form of international co-operation.

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(Mr. Peters, Netherlands)

84. The adoption of the Convention on the Rights of the Child had responded to a need felt by many States to guarantee the rights of children. The Netherlands had been one of the first countries to sign the Convention and the competent authorities were currently studying the impact of ratification on the national legal system.

85. The Netherlands looked back with great satisfaction at the World Summit for Children, at which new goals had been set to guide domestic and international policy on children in the years to come. What would really improve the situation of children, in particular in the developing countries, was the implementation of the World Declaration.

86. Article 32 of the Convention was of great importance as it recognized the right of the child to be protected against economic exploitation and from performing any work likely to be hazardous, to interfere with the child's education or be harmful to its health or development. At the session of the United Nations Working Group on Contemporary Forms of Slavery, a unit of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the main theme was the eradication of the exploitation of child labour. Some useful recommendations had been made, and now needed further follow-up. In general, the issue of child labour did receive the attention it deserved from the United Nations. The work of the Special Rapporteur on the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes, also constituted a major contribution to United Nations efforts to promote respect for the rights of the child.

87. Governments, particularly those with few resources, should consider acceding to instruments, such as those dealing with child adoption and custody, which had been adopted over the past 40 years under the auspices of the Hague Conference on Private International Law.

88. The report of the meeting of persons chairing the human rights treaty bodies represented a very valuable contribution to efforts to monitor the implementation of the international human rights instruments. His Government shared most of the concerns expressed in the report. Technical problems were being remedied in a satisfactory way with the issuing of the consolidated guidelines for reporting, and the reporting manual, the extension of advisory services and the introduction of various forms of dialogue. Yet, in view of the enormous backlog of overdue reports (767), problems could be expected to persist for some time. All treaty bodies should be funded from the United Nations regular budget.

89. The Netherlands would support any draft resolution on finances that would speed the day when treaty bodies no longer suffered from a constant lack of funds.

90. Mr. MATELA (Poland) said that, in striving to restore the full spectrum of human rights, Poland had found the task of harmonizing its national legislation with international human rights instruments to be arduous but viable. The full enjoyment of those rights presented challenges which his country could only meet with the assistance of the international community. It was easier to resolve on a

(Mr. Matela, Poland)

multilateral rather than a bilateral basis many of the issues arising from the application of the letter and the spirit of the International Covenants on Human Rights.

91. Since the forty-fourth session of the General Assembly, his country had re-established the system of independent courts and had restored freedom of expression, including freedom of the press and freedom of assembly. Free local elections had been held in June 1990. Constitutional reforms and new electoral regulations had been instituted with a view to ensuring free and fully democratic parliamentary elections.

92. Prisoners sentenced to death had had their sentences commuted to prison terms and thousands of minor offenders had been released from prison. The Government had also amended the law relating to the structure of the courts to ensure autonomy in the appointment and promotion of judges. It had abolished censorship and had closed the Office for Religious Affairs. It had taken steps to accede to the International Covenant on Civil and Political Rights and to make a declaration recognizing the competence of the Human Rights Committee, as provided under article 41 of the Covenant.

93. New organizations and social movements had emerged in Poland and taken on the task of verifying compliance with human rights obligations, preventing violations of those obligations and strengthening the guarantees for the observance of human rights. Both the Civic Committee on Human Rights and the Polish Helsinki Committee had conducted extensive and effective campaigns designed to promote human rights.

94. With respect to reporting obligations, he noted that in 1989 Poland had completed its second periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights. There had been a delay in the submission of Poland's third periodic report pending its examination by the Polish Senate and a parliamentary committee; it was however now ready for consideration by the Human Rights Committee.

95. Having recently ratified the Convention on the Rights of the Child, Poland could apply the Convention's provisions directly without the need to promulgate special legislation on the subject. Poland's new Constitution would probably contain provisions enabling the authorities and the State to apply all the international human rights instruments directly. In 1989, Poland had ratified without reservation the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

96. With regard to the draft international convention on the protection of the rights of all migrant workers and their families, on which extensive preparatory work had been done under the auspices of the United Nations, his country provided a good example of how a sense of responsibility precluded making any distinction between the countries of origin and destination of immigrants and refugees. In his opinion, the draft convention was of particular importance because it set forth the rights of all migrant workers and defined the main worker categories.

97. A rational and humanitarian response from the international community was needed to ensure the full enjoyment of human rights by all citizens: there were States which did not respect the rights of individuals to freedom of movement, to choose freely their place of residence, to leave their own country or to maintain unrestricted contacts with other persons. Since September 1989, when the Polish Government had made special efforts to apply the provisions of the international human rights instruments and had provided greater opportunities for its citizens to travel abroad, it had been unable to guarantee that right owing to such problems as refusal of entry visas, the imposition of various restrictions, including the necessity for applicants for visas to submit to hearings, and the application of the inadmissible principle of "collective responsibility". At the Human Dimension Conference, held recently, the Polish Minister for Foreign Affairs had said that, in Poland's experience, several States had not been respecting some of their obligations, particularly those set forth in the Concluding Document of the Vienna Follow-up Meeting. While the arrival of large groups of immigrants strained the resources and good will of countries, the problem was not a new one and should be addressed through concerted action by States at the bilateral and multilateral levels. It was important to arrive at a balance between individual rights and the preservation of States' interests. His delegation was convinced that its request for assistance in that area would be received favourably by the international community since it was a human rights question that could not be resolved with Poland's modest resources owing to regional and global circumstances, in spite of the enormous efforts it was making.

98. Mr. MEZZALAMA (Italy), speaking on agenda item 106, said that as the tenth anniversary of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief drew near, the link between freedom of religion and fundamental freedoms was being strengthened, as could be seen from the more liberal and democratic policies being adopted by many Governments. Although freedom of conscience and religion was proclaimed in unequivocal terms in the Charter of the United Nations and in other international human rights instruments, States frequently disregarded or violated those obligations, as was clear from the relevant reports of the Special Rapporteur of the Commission on Human Rights.

99. Recent events appeared to be creating conditions favourable to religious freedom. However, that did not mean favouring one faith at the expense of another but rather guaranteeing pluralism within the framework of a genuine democracy. Italy therefore found disturbing the emergence in various countries of religious absolutism which could degenerate into fanaticism and even religious persecution.

100. The Italian Government had recently approved the submission to Parliament of a bill recognizing the right to freedom of conscience, religion or belief, thus completing its extensive reform of legislation dealing with religious freedom and the relationship between the State and religion. The bill provided for the repeal of all national legislation incompatible with international human rights instruments and was designed to ensure the full implementation of constitutional precepts on the basis of the provisions contained in those instruments. The first

(Mr. Mezzalama, Italy)

article of the bill was not confined to guaranteeing freedom of religion; it also provided for the automatic application of that guarantee to every principle of international law in that field. Such a binding provision provided a definite and precise response to the invitation set forth in article 4 of the Declaration contained in General Assembly resolution 36/55 of 25 November 1981. The bill was designed to safeguard the interests of religious communities and minorities with respect to their right to organize freely and independently and to define the procedure for agreements between the State and the various religions in order to make existing legal provisions consistent with the principles of protecting the religious beliefs of all individuals and the free expression of every faith or belief.

ORGANIZATION OF WORK

101. The CHAIRMAN said that, if there were no objections, he would take it that the Committee agreed that the deadline for the submission of draft resolutions concerning the sixth cluster of items would be extended to Thursday, 15 November, as requested by a number of delegations.

102. It was so decided.

The meeting rose at 6.10 p.m.

UNITED NATIONS
General Assembly
FORTY-FIFTH SESSION
Official Records

THIRD COMMITTEE
41st meeting
held on
Wednesday, 14 November 1990
at 10 a.m.
New York

SUMMARY RECORD OF THE 41st MEETING

Chairman: Ms. COOMBS (New Zealand)
(Vice-Chairman)

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Distr. GENERAL
A/C.3/45/SR.41
23 November 1990

ORIGINAL: ENGLISH

90-57114 3122S (E)

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In the absence of the Chairman, Ms. Coombs (New Zealand), Vice-Chairman, took the Chair.

The meeting was called to order at 10.25 a.m.

AGENDA ITEM 89: EFFECTIVE IMPLEMENTATION OF UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS AND EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO SUCH INSTRUMENTS (*continued*) (A/45/3, chap. V, sect. A, A/45/707, A/45/636, A/45/205, A/45/207, A/45/216, A/45/222, A/45/227, A/45/230, A/45/264, A/45/265, A/45/266, A/45/267, A/45/269, A/45/270, A/45/272, A/45/280, A/44/668, annex)

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1. Mr. ORDOÑEZ (Philippines) said his delegation shared the view expressed by the Director of the Implementation of International Instruments and Procedures Branch of the Centre for Human Rights that the procedures used to promote and protect human rights were of paramount importance. It also agreed with the statement made in the Secretary-General's report on the work of the Organization that recent revolutionary changes in Eastern and Central Europe had given powerful expression to the principles of the self-determination of peoples and respect for human rights, which had become a theme of dominant concern in international discourse. The members of the Third Committee had a special responsibility to help to ensure that the winds of change resulted in more than rhetoric and that its deliberations helped to keep the United Nations in step with developments in the real world.

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(Mr. Ordoñez, Philippines)

2. The Philippines, as a State party to 43 human rights and human-rights-related instruments, was committed to finding innovative ways and means of achieving the effective implementation of the United Nations instruments on human rights. It had ratified the instruments concerned and adopted appropriate measures to implement their various provisions. However, it had been unable in the past to report on the progress made in respect of those measures because it had no appropriate mechanism to meet its reporting obligations effectively. The establishment in 1987 of the National Institution for the Promotion and Protection of Human Rights had eased that difficulty. In addition, a unit had been created in the Department of Foreign Affairs to co-ordinate the preparation of all Philippine reports submitted to the United Nations treaty bodies.

3. The task of preparing reports had also been facilitated by technical assistance received from the United Nations advisory services and technical assistance programme in the field of human rights. His delegation wished to reiterate the need for the Centre for Human Rights to conduct regular training courses or workshops devoted to the preparation and submission of reports and to express its gratification that the manual on reporting had been completed. It hoped the manual would be published soon and widely disseminated. It was also gratified that the treaty bodies had begun to interact more effectively and believed that a frank, open and constructive dialogue between them and the States parties should be encouraged. It also recognized the role played by non-governmental organizations in providing background information to individual members of treaty bodies whenever reports of States parties were under consideration and believed that those NGOs should be encouraged to provide Governments with the same information. His delegation was also convinced of the need to strengthen the Centre for Human Rights by providing it with the resources it needed.

4. With regard to agenda item 97, he noted that the President of the Philippines, in her statement at the World Summit for Children had stressed the importance of the Convention on the Rights of the Child. His delegation was gratified that the Committee on the Rights of the Child would be established during the next six months. The Philippines had both signed and ratified the Convention. In May 1990 an information campaign on the rights of the child had been held in Manila under the sponsorship of UNICEF and the United Nations Department of Public Information. The rights of the child had also been the theme of an art exhibition held in April 1990, which had been well received and publicized, and the Philippine Council for the Welfare of Children had conducted a national consultation workshop on the implementation of the Convention, which had been attended by 120 key government officials and NGO representatives.

5. Commenting on agenda item 105, he said his delegation wished to reiterate its appeal to all States not yet parties to the International Covenants on Human Rights to consider ratifying or acceding to them. It welcomed the adoption of the Second Optional Protocol to the International Covenant on Civil and Political Rights.

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(Mr. Ordoñez, Philippines)

6. In connection with agenda item 109, he said that the Philippines found the torture and inhuman treatment of children in detention in South Africa totally unacceptable and felt that the international community should not rest until such abhorrent practices, which had no place in any society, were eliminated. By the same token, it viewed with grave concern the inhuman practices reportedly committed by the occupation forces of Iraq in the territory of Kuwait. It welcomed the co-ordination of activities between the Committee against Torture and the Special Rapporteur of the Commission on Human Rights on questions relating to torture. His Government was determined to prevent the recurrence of torture in the Philippines and had established mechanisms to achieve that end. In that connection, he said that the Special Rapporteur on questions relating to torture had visited the Philippines the preceding month with a view to encouraging the strengthening of those mechanisms and that his report was eagerly awaited.

7. Mrs. KARMACHARYA (Nepal), speaking on agenda item 97, said that since children were precious resources on whom the prosperity and peace of tomorrow's world would largely depend, States had a moral obligation to ensure their survival and mental and physical development. The growing realization that the welfare of children was a human rights issue made it imperative to address their needs since they were regrettably the first to fall prey to the ravages of poverty, hunger, ignorance and war.

8. The persistence of poverty, illiteracy and a low level of economic development had a profound and debilitating impact on the survival and development of children in Nepal, where the infant mortality rate and mortality rate for children under five were among the highest in the world. In addition, roughly 70 per cent of Nepalese children under five years of age were suffering from malnutrition. Roughly 50 per cent of women of child-bearing age suffered from nutritional anaemia. The overall literacy rate was 34 per cent, while the female literacy rate was only 18 per cent. The 1981 census had shown that about 57 per cent of the children in the 10-14 year age group were economically active. Children in many urban areas of the country were also beginning to fall victim to the scourge of drug abuse.

9. The problem of child welfare had regrettably not been addressed on a priority basis until the introduction of the five-year plan for the period 1985-1990, primarily because of neglect on the part of policy makers and the persistence of ignorance and apathy among the people. While the National Child Development Policy provided for under the 1985-1990 plan contained many valuable programmes aimed at improving the status of children, an evaluation of those programmes had revealed that they fell short of the needs owing to a shortage of financial and technical resources. It was estimated that the mortality rate for children under five could not be reduced to between 50 and 70 per 1,000 until the year 2059 and that it would take 60 years to halve the current level of illiteracy. The quality of education, the education of girls, the dropout problem and urban/rural disparities showed no sign of improvement.

(Mrs. Karmacharya, Nepal)

10. On the eve of the World Summit for Children, the Government of Nepal had held a one-day high-level national seminar to identify the priority goals for children and development for the 1990s and to make recommendations for the realization of those goals through action embodied in the national development plans for the 1990s.

11. Her Government was committed to strive for the protection and development of children. Women and children had been recognized as a priority development issue of the 1990s. The country's new Constitution fully guaranteed the fundamental rights of people, including the welfare of children. The Government was formulating strategies in the areas of education, health and the alleviation of poverty, and attention would also be focused on the problems and needs of disabled, homeless and destitute children.

12. It would not have been possible to tackle problems of such magnitude without the co-operation and support of the international community and especially of UNICEF, whose Immunization Programme, Oral Rehydration Therapy and primary health services had greatly contributed to the lowering of infant and child mortality rates in Nepal. UNICEF assistance in the areas of nutrition, food security, poverty alleviation, childhood disability, drinking water supply and the rehabilitation of the disabled had been extremely valuable, as had the joint efforts undertaken by UNICEF, WHO and UNDP in the area of child development.

13. Mr. DEKANY (Hungary) said that recent changes in world politics were evidence of the importance of human rights in shaping the destiny of the world. In Central and Eastern Europe the ideals of liberty and democracy had been used as a tool in the search for a genuinely democratic society based on the rule of law. Its membership in the Council of Europe showed its commitment to those ideals. The important changes effected in its domestic legislation with regard to human rights over the past year stemmed from the recognition of the fact that extensive legal guarantees for the protection of human rights were a sine qua non for a multi-party parliamentary democracy based on the rule of law.

14. The process of peaceful transition towards a representative democracy in Hungary was reflected in a series of legislative changes, including amendments to the country's Constitution, Penal Code and Code of Criminal Procedure to bring them into harmony with the relevant provisions in the International Covenant on Civil and Political Rights. Parliament had also modified the law on the Press and enacted a law on freedom of conscience and religion and on local self-government. Freely contested multi-party elections had been held in Hungary in March 1990, and a new coalition Government, responsible to the Parliament, had been formed.

15. The Central European countries had learned from experience that unless adequate human rights protection was provided for vulnerable groups of society, democracy did not exist. In addition to equal treatment before the law, minorities deserved special protection to compensate for their numerical inferiority or other disadvantages. The reason for the ethnic strife, currently seen in several countries was that individuals and their communities wanted to develop and preserve their own identity. There was a need to create an appropriate legal framework at

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(Mr. Dekany, Hungary)

the national and international levels to tackle the problems faced by national, ethnic, religious and linguistic minorities and to provide them with adequate legal protection of their rights.

16. International monitoring of the implementation of treaty obligations was an expression of the legitimate concern of the community of nations. His Government attached great importance to the obligation of States parties to United Nations instruments on human rights to meet reporting requirements and deadlines and to pay the financial contributions specified in those instruments, thereby enabling the treaty bodies to perform their functions. It was also imperative that the budgetary and staffing resources of the United Nations Centre for Human Rights should be commensurate with the importance attached to respect for human rights. In that connection, the recommendations made at the third meeting of persons chairing human rights treaty bodies (A/45/636), merited close attention. His delegation felt it was important to ensure that the treaty implementation machinery not only functioned smoothly but was also capable of addressing new situations and adopting innovative approaches when required. It therefore took a favourable view of the eventual institutionalization of the meeting of treaty body chairpersons.

17. Turning to other agenda items in the cluster under consideration, he reiterated his country's firm rejection of any kind of intolerance or discrimination, including that practised on grounds of religion or belief.

18. He expressed the conviction that the United Nations could play a more significant role in enhancing the effectiveness of the principle of periodic and general elections through its peace-making efforts and the electoral assistance it provided. Hungary was ready to contribute to the elaboration of an appropriate framework for concerted international action in that field.

19. Ms. HADDAD (Lebanon), commenting on agenda item 97, said that in Lebanon, the effects on children of more than a decade of armed violence were staggering. A report in 1988 estimated that 90.3 per cent of children had been exposed to shelling or combat, 68.4 per cent to displacement, 54.5 per cent to extreme poverty, 50.3 per cent had witnessed violence, such as intimidation, injury or death of someone close to them, 26 per cent had lost close relatives in the fighting and 21.3 per cent had been separated from their families. The report noted, however, that only a very small percentage of children had been victims of direct act of violence, such as kidnapping, arrest or torture, and few young children had been directly involved in military action.

20. The chronic war had had a serious impact on many of the factors essential to child welfare, such as public services, water quality, schools and child care institutions. Schools had been forced to close for long periods and child care institutions were overflowing with children whose parents were living but without the resources to bring them up. The war had brought increased attention from international relief and development agencies but needs had risen far beyond resources. The most sustained and well organized assistance had been in the field of health, where local and international non-governmental organizations had

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(Ms. Haddad, Lebanon)

provided invaluable support for the activities of the United Nations Children's Fund (UNICEF) whose continued efforts against infant mortality and disease had been of the greatest encouragement. She wished to express the appreciation of the people and children of Lebanon to UNICEF and other United Nations agencies and to local and international non-governmental organizations and to seek their further support and assistance.

21. Recent developments in Lebanon suggested that peace might be near. That would pave the way for rebuilding national structures and restoring basic services in general and those benefiting children in particular. Lebanon had signed the Convention on the Rights of the Child and ratification would shortly be voted by Parliament. The Government was proposing to adopt a plan of action to provide better assistance for children in many sectors, especially health and education, with special attention to civic education aimed at instilling the concepts of sharing, respect for differences and repudiation of violence as a means of resolving disagreements. Lebanon would appreciate all possible external assistance in rehabilitating its services for chldren, since the future of children was an international as well as a national responsibility.

22. Mrs. DINH (Viet Nam) said that the dependence and vulnerability of children had been recognized by the international community long ago in the 1924 Geneva Declaration of the Rights of the Child and in the Declaration of the Rights of the Child adopted by the General Assembly in 1959, and in the Universal Declaration of Human Rights and the two Covenants. However, while the principles embodied in those instruments had played an important part in promoting children's rights, they were not legally binding. Hence the need for the Convention on the Rights of the Child.

23. The Convention was the first international legal instrument dealing comprehensively with children's rights on the basis of the principle that children were entitled to special care, protection and assistance. It set universal legal standards for the protection of children against neglect, abuse and exploitation and guaranteed their basic rights, including survival, development and full participation in social, educational and other endeavours necessary for their individual growth and well-being. Governments must now do their utmost to incorporate the legal standards of the Convention into their national laws, policies and practices, and must prepare national programmes of action to implement their commitments under the World Declaration and the Plan of Action of the World Summit for Children. She looked forward to the establishment of the Committee on the Rights of the Child.

24. In November 1979, on the occasion of the International Year of the Child - Viet Nam's Year of the Child - the Government had promulgated a State decree on the protection, care and education of children; and in 1989 the Council of Ministers had issued a directive to strengthen the State Committee for Children. Viet Nam had already signed and ratified the Convention on the Rights of the Child, without reservation. The Convention had been translated into Vietnamese even before its adoption by the General Assembly and was now being widely disseminated to State

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(Mrs. Dinh, Viet Nam)

agencies, the mass media and the public. In November 1989 the National Assembly had decided to draft a law on the rights of the child to replace the State decree on protection, care and education of children, which would embody a number of articles from the Convention.

25. So far, only a start had been made. The Vietnamese Government would do all in its power to implement the Convention and achieve the goals of the World Summit, but, like many other developing countries, particularly the least developed and most indebted, it would need substantial international co-operation to enable it to participate effectively in the world-wide effort.

26. Mr. ALFARO (El Salvador), commenting on agenda item 110, said that over the years, people had come to realize that freedom of choice should not be a privilege of the few but the right of all and that the possession of rights did not depend on the possession of resources or territory. In that connection he recalled the changes that had started in 1989 in many Eastern European countries, where the people had experienced the satisfaction of electing their own Governments and determining their own future through free elections.

27. However, sometimes the exercise of the vote was subject to acts of violence and terrorism which those who had never experienced such conditions would find hard to believe. In El Salvador there had been six free elections since 1982, in which, despite intimidation by the enemies of democracy, voters had exercised their right to choose their Government. While it did not claim that the electoral system was perfect, El Salvador was moving towards genuine democracy. The presence of international observers at the recent elections had helped to improve the electoral process which was an essential part of the country's development. The observers had come at the Government's request - their presence had not been imposed, nor had they been regarded as a threat to national sovereignty; they had enabled the people of El Salvador to reaffirm the principle of periodic and genuine elections.

28. Mr. ZAWACKI (Poland) said that the promotion and protection of human rights - the birthright of every human being - was one of Poland's highest priorities. Poland had already introduced far-reaching changes in its domestic legislation on the basis of the Universal Declaration of Human Rights and the two International Covenants and was in the process of ratifying the Convention on the Rights of the Child. Indeed, it was Poland which had first put forward the idea of the Convention and which had been closely involved in the preliminary work over the past decade. By promulgating an Act enabling the President to ratify the Convention the Government had made it possible for authorities and officials at all levels to apply its provisions immediately.

29. Poland welcomed Commission on Human Rights resolution 1990/74 calling upon all States to consider signing and ratifying or acceding to the Convention and endorsed the World Declaration and the Plan of Action adopted at the World Summit for Children. In his message to the World Summit, the Polish Prime Minister had stated that Poland's recent democratic change guaranteed respect for the full and healthy development of the child.

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(Mr. Zawacki, Poland)

30. The Convention was an imperfect instrument representing the minimum basis on which agreement could be achieved. However, it did mobilize the efforts of the international community to set up a framework for improving the condition of all children in need of assistance. The system known as debt relief for child development could play an important part in financing such assistance. In many countries, including Poland, foreign debt was repaid at the expense of the living standards of large numbers of families and their children. The World Declaration rightly stressed the urgent need to find ways of solving the debt crisis and the need to reactivate sustained and sustainable economic growth and development, all of which required concerted efforts through national action and multinational co-operation.

31. Poland's legal regulations complied with and even exceeded the standards in the Convention. The only provision on which Poland had doubts concerned the child's right to his or her identity, since disclosure of descent could have serious psychological consequences for a child who did not know it had been adopted.

32. Miss DIOP (Senegal), speaking on agenda item 97, said that, with 58 per cent of its population below the age of 20 and 47 per cent below the age of 15, it was only natural that Senegal should regard the survival, protection and development of the child as a priority.

33. Senegal had been among the first 20 countries to ratify the Convention on the Rights of the Child, recognizing the need for concerted action with the rest of the international community to ensure the speedy implementation of the Convention. Her delegation welcomed the Convention's rapid entry into force and looked forward to the establishment of the Committee on the Rights of the Child. To ensure that it was not paralysed through lack of resources, the Committee should be financed from the United Nations regular budget. In order to facilitate the Committee's work, States parties should respect their obligation under article 44 of the Convention to submit five-yearly reports to the Commit ee on measures they had taken to implement the Convention and on progress achieved. Senegal had already set up a national committee to monitor implementation of the Convention and the World Declaration and Plan of Action of the World Summit.

34. Continued co-ordination of the various national, regional and international bodies concerned would be needed to achieve the 1990s targets and it would be advisable for the Committee on the Rights of the Child to work in close co-operation with the specialized agencies, especially UNICEF, and other appropriate bodies in the United Nations system. States parties should now be taking measures to bring their domestic law into line with the Convention.

35. Unfortunately, the impact of the debt crisis, the recession and economic adjustment programmes had made it difficult for developing countries to meet the needs of children with regard to food, pure drinking water and housing. The absence of measures specifically designed to protect children during periods of economic adjustment had led to higher infant mortality rates and reduced access to education.

(Miss Diop, Senegal)

36. Without renewed and sustained international co-operation based on external debt relief and a solution to the complex problem of the net transfer of resources from developing to developed countries, it would be difficult for poor countries, in spite of their national efforts, to implement the principles of the Convention on the Rights of the Child.

37. The Decade of the African Child was an occasion for drawing attention to the situation of children in Africa and providing the necessary assistance to ensure their physical and mental development. Her delegation therefore appealed to all African States to ensure respect for the principles set forth in the African Charter on the Rights and Welfare of the Child.

38. Mr. HONG (Singapore), commenting on agenda item 110, said that his country was in favour of genuine and periodic elections because they guaranteed the accountability of government to the people, an essential element of a deomcracy. Historical evidence seemed to indicate that development was a precursor rather than a result of democracy. Basic requirements in terms of food, shelter, education and employment had to be met before the more intellectual and spiritual needs of a people could be satisfied. Democracy as practiced by a small elite manipulating a mass of poor and ignorant voters usually did not lead to national development.

39. Both development and democracy must be adapted to the specific conditions prevailing in each country. Training, education and institution building were essential and required time and effort. In addition to electoral arrangements, democracy also required a supportive political culture and institutions. Experience showed that democracy was itself the product of advanced social and economic development.

40. Singapore had chosen an effective political and economic policy combining capitalism, democracy and free enterprise, which had brought about rapid social and economic development in the 25 years since its accession to independence. In the process, it had gained an insight into the need to adapt Western-style democracy to its own multicultural environment in order to build a viable nation-State out of very different elements. There were many paths to democracy and economic development and a Western liberal democracy might not be the choice of nations whose history and culture inclined them to embrace different political systems. Those nations would be just as able to develop economically on the basis of their own value systems.

41. Ms. MATOVU (Uganda), speaking on agenda item 89 said that her delegation attached great importance to the promotion of human rights and the effective implementation of human rights instruments. The implementation of the recommendations put forward in the report of the third meeting of persons chairing human rights treaty bodies (A/45/636) could greatly enhance the role of the United Nations in promoting respect for human rights. Her delegation particularly welcomed the recommendations in paragraphs 53 and 62 of the report. Furthermore, closer co-operation between the African Commission on Human and Peoples' Rights and the Centre for Human Rights would be of mutual benefit.

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(Ms. Matovu, Uganda)

42. Commenting on agenda item 97, she said that the World Declaration on the Survival, Protection and Development of Children and the Plan of Action, adopted at the World Summit for Children, were comprehensive, action-oriented documents. It was hoped that the response by Heads of State and Government would lead to a general commitment at all levels to achieve the goals of the Summit. Uganda welcomed the recent entry into force of the Convention on the Rights of the Child and was in the process of incorporating the Convention in its constitution.

43. With regard to agenda item 110, she noted that the question of enhancing the effectiveness of the principle of periodic and genuine elections must be addressed in the overall context of democracy. Elections did not necessarily guarantee democracy. Authentic democratization must be consolidated through social development. Such principles as accountability to the masses, regular elections, freedom of the press, universal suffrage and unrestricted participation in economic growth were the essence of democracy. The form that democracy took, however, might differ according to local conditions. The promotion of periodic and genuine elections must be accompanied by efforts to implement the rights to food, health, shelter, information and education.

44. Mr. DUAN Jielong (China) hoped that the effective implementation of the Convention on the Rights of the Child would strengthen the international community's commitment to the cause of children and promote their development. Through legislative, judicial and administrative measures, China continued to strengthen various national mechanisms for the protection of children, particularly those who required special help. Remarkable results had been achieved through efforts to improve education and health care.

45. Commenting on agenda item 109, he said that his country had always been firmly opposed to torture. Since signing the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it had taken many practical steps to prohibit and prevent the use of any form of torture. The Committee against Torture should consider reports by States parties in a serious and impartial manner and in strict compliance with the provisions of the Convention. The Committee must overcome the political bias of certain members with regard to specific questions and prevent outside interference in order to successfully carry out its work.

46. With regard to agenda item 110, he said that the political and electoral system chosen by a country in accordance with its particular circumstances was a purely internal affair of a sovereign State. The United Nations had no mandate to interfere in the electoral practices of Member States under the Charter. The cases in which the United Nations had provided electoral monitoring related to decolonization and the settlement of crises threatening peace and security and should not be confused with cases involving normal electoral practices in sovereign States. The establishment of permanent machinery to provide electoral assistance would undoubtedly exceed the Organization's mandate under the Charter. His delegation hoped that all Member States would take a prudent position on that question in order to ensure the effective functioning of the United Nations.

47. Archbishop MARTINO (Observer for the Holy See) said that the Holy See welcomed the far-reaching changes that had recently occurred, especially in Europe, after long years of persecution and discrimination. The rallying point of the persons who sparked those changes had often been the Church. The many notable events in the process of improvement included the visit of President Gorbachev to His Holiness Pope John Paul II in December 1989, the visit of Pope John II to the Czech and Slovak Federal Republic in 1990, the re-opening of many places of worship and the free exercise of religious activities, the radical constitutional changes enacted by several countries in Central and Eastern Europe in respect of freedom of religion and conscience, the new law on freedom of conscience approved by the Supreme Soviet of the USSR in 1990, the re-establishment of full diplomatic relations between the Holy See and the Republics of Poland, Hungary, Czechoslovakia and Romania and the establishment of official contacts between the Holy See and the USSR.

48. In January 1990, Pope John Paul II had acknowledged the positive developments in Central and Eastern Europe and welcomed the fact that better understanding and co-operation existed between different religions in other parts of the world. However, religious intolerance still persisted and discrimination against some religious minorities was even a part of official policy in some countries in violation of human rights instruments. In some countries, Christians were denied the right to worship or to practise their religion freely and indeed, felt that they were being treated as second-class citizens. He hoped that, if believers of different faiths found in Christian countries the facilities needed for satisfying their religious needs, Christians would be able to benefit from comparable treatment in all countries of different religious traditions.

49. Speaking on agenda item 106, he welcomed Economic and Social Council decision 1990/229 to extend the mandate of the Special Rapporteur of the Commission on Human Rights with regard to the Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. He was also satisfied that work was continuing on the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. The Pope saw a close connection between the rights of minorities and the right to freedom of religion which included the free manifestation of religious beliefs, individually and collectively.

50. The Holy See was particularly pleased at the adoption and prompt ratification of the Convention on the Rights of the Child and the holding of the World Summit for Children at which the nations of the world had committed themselves to the protection, nurture and education of children. The Holy See, however, had entered reservations when it had ratified the Convention on the Rights of the Child, namely that its goals and the programmes which derived from them should respect the moral convictions of parents, their freedom to choose the religious life and education of their children and that it should allow children to learn the value of mutually supportive relations in the family, where parents accepted joint responsiblity for parenthood.

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(Archbishop Martino, Observer, Holy See)

51. At the World Summit for Children, the Holy See had drawn attention to the serious problem of high birth rates in some countries and extremely low birth rates in others but had said that it could only be solved on the basis of clear and solid principles and by avoiding the danger of excessive State influence.

52. Mr. MUNTEANU (Romania) said that the forty-fourth session of the General Assembly had taken a major step in adopting the Second Optional Protocol to the International Covenant on Civil and Political Rights and also the Convention on the Rights of the Child. Romania had ratified the Convention and the Second Optional Protocol which was pending ratification by Parliament. It had also become a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

53. It was significant that those ratifications had occurred at the beginning of the post-communist period in Romania. In a country which had lived through the nightmare of abstract collectivism, the people had finally understood that freedom was the bedrock of all the other benefits of a dignified life. Politics in his country today did not mean a competition for power but a fight for the basic rights of the individual.

54. The provision of the Convention on the Rights of the Child that entitled an individual to human rights from birth was rich with promise. It was a monumental task to turn such a promise into reality, especially in Romania where even the right to life was not guaranteed for an incredibly large number of children. He thanked UNICEF for its generous support through its $3 million programme of assistance to Romanian children and said that the creation of the UNICEF centre in Bucharest would be of considerable help in meeting that challenge. He stressed, however, that the human condition of children meant more than mere survival and that the surest way to guarantee a better future for the individual was to provide a better life for the children now.

55. Turning to agenda item 110, he said that periodic and genuine elections gave all individuals the right to shape their own destinies. Consequently, Romania unreservedly supported the rapid adoption and entry into force of a United Nations mechanism to provide technical as well as electoral assistance to any countries which requested it. The fact that free and fair elections had been held for the first time in 50 years did not mean that democracy was just a passing fad in Romania. On the contrary, democracy was a question of life and death. He hoped that the local elections due to take place early next year would be better and more convincing proof that Romania had embarked irreversibly on the road to democracy.

56. In order to strengthen the newly elected democratic structures, considerable attention was being paid to the framing of a new constitution. Assistance had been requested from parliaments and experts in countries with a long democratic tradition, in establishing the highest international standards for a State governed by the rule of law and respect for human rights. The Romanian Centre for Human Rights was being created in the same spirit and was meant to provide a channel for direct and speedy communication with the United Nations Centre for Human Rights at

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(Mr. Munteanu, Romania)

Geneva, the Council of Europe and corresponding centres. The Centre for Human Rights at Geneva was providing expertise and he expressed gratitude to all who had assisted in developing the centre in Romania. The Institute for Human Rights, another independent body, was expected to become a pillar in the implementation of international human rights instruments as well as provide a continuous incentive for the observance and promotion of human rights in Romania.

57. Mr. MAYORGA CORTES (Nicaragua) said that he agreed with the recommendation that the manual on reporting drawn up by UNITAR in co-operation with the Centre for Human Rights should be widely disseminated and that the work of the treaty bodies should be reflected in the agenda of the proposed world conference on human rights.

58. His delegation fully supported the comments and recommendations included in the report of the third meeting of persons chairing the human rights treaty bodies and asked that they should be made available to the Sixth Committee for consideration during discussion of its programme of action for the decade.

59. Nicaragua considered human rights to be so important that it had included 20 articles on the subject in its Constitution. The fundamental principles of human rights were being fully respected in the democratic society that was being established in Nicaragua. In the process of consolidating democratic institutions Nicaragua had pursued an open foreign policy under which it allowed the international bodies supervising the protection and promotion of human rights to operate freely. The Government of Nicaragua firmly believed in respect for the right to life and that right was established in article 23 of the Constitution, which had abolished the death penalty. Nicaragua had also been a sponsor of the resolution concerning the Second Optional Protocol to the International Covenant on Civil and Political Rights, which it had signed in February 1990.

60. Nicaragua's report to the Human Rights Committee stated that the concept of political pluralism had effectively been embodied in a constitutional provision. The strength of the rule of law had been tested in the February 1990 elections when more than 200,000 observers had witnessed the cleanest and fairest elections in the history of Nicaragua.

61. Nicaragua had recently benefited from United Nations technical assistance in its elections; indeed, it had been of crucial importance during a difficult period when it was striving to consolidate peace, establish democracy and promote comprehensive development. However, United Nations technical assistance in the electoral process should be given solely in response to requests from countries, with due regard for their sovereignty and independence.

62. Nicaragua had signed and ratified the Convention on the Rights of the Child. At the second meeting of Central American Parliamentarians on the Rights of the Child it had decided together with Panama and Belize, to support demilitarization in Central America and ensure that the benefits accruing therefrom would be applied in the areas of health and child protection. An agreement had also been reached to unify Central American legislation on child protection and incorporate substantial

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(Mr. Mayorga Cortes, Nicaragua)

elements of the United Nations Convention. The President of Nicaragua had also attended the World Summit for Children, where she had announced that high priority would be given to children affected by the war, and to those orphaned, mutilated, displaced or refugees.

63. The rights of the child were probably the human rights which would contribute most to changing the future of society and therefore, it was urgent that the rights and needs of children should be fully met.

The meeting rose at 1 p.m.

UNITED NATIONS
General Assembly
FORTY-FIFTH SESSION
Official Records

THIRD COMMITTEE
42nd meeting
held on
Wednesday, 14 November 1990
at 3 p.m.
New York

SUMMARY RECORD OF THE 42nd MEETING

Chairman: Miss ZINDOGA (Zimbabwe)
(Vice Chairman)

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Distr. GENERAL
A/C.3/45/SR.42
30 November 1990
ENGLISH
ORIGINAL: SPANISH

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In the absence of the Chairman, Miss Zindoga (Zimbabwe), Vice-Chairman, took the Chair.

The meeting was called to order at 3.20 p.m.

AGENDA ITEM 89: EFFECTIVE IMPLEMENTATION OF UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS AND EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO SUCH INSTRUMENTS (*continued*) (A/45/3, chap. V, sect. A, A/45/205, 207, 216, 222, 227, 230, 264-7, 269, 270, 272, 280, 636, 707, A/44/688, annex)

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1. Mr. ENGFELDT (Sweden), speaking on behalf of the Nordic countries, said that the leaders of some 70 nations meeting at the World Summit for Children had agreed to promote the earliest possible ratification and implementation of the Convention on the Rights of the Child. The Convention had entered into force on 2 September 1990 and had been ratified or acceded to by 56 States; such support by the international community for a convention on human rights was without precedence in the history of the United Nations.

2. He nevertheless questioned whether the rights of the child were being promoted and protected in practice. Whenever notifications were received regarding new States parties to the Convention alarming reports were also received of violations of the rights of the child in some of the very same countries. All States which had ratified the Convention must now ensure its full implementation. Ratification was obviously a very important step, and Sweden appealed to other States to take the necessary steps to become parties to the Convention.

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(Mr. Engfeldt, Sweden)

3. The Convention laid down basic standards in many areas and covered all matters relating to childhood. For example, it specified that the survival and development of the infant should be ensured to the maximum extent possible, but also protected adolescents from political persecution, torture and capital punishment. Special consideration should be given to children living in exceptionally difficult circumstances, which existed in all countries in the world.

4. It was essential that the principles and provisions of the Convention should be made widely known to children and adults through information and education activities undertaken by both Governments and non-governmental organizations, since it was a prerequisite for the effective exercise of human rights that the individual concerned should be made aware of his or her rights. The Convention might serve to teach new generations that all individuals had the same inalienable rights. In that connection, article 29 of the Convention laid down that the education of the child should be directed to the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations.

5. The Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities was carrying out important work and had recently put special emphasis on the fight against sexual exploitation of children. Sweden welcomed the appointment of the Special Rapporteur of the Commission on Human Rights on that issue and hoped that the Commission would adopt a programme of action against the sexual exploitation of children. It also welcomed the attention devoted by the Working Group to the question of child labour and the decision to deal soon with the question of child soldiers.

6. The Nordic countries attached great importance to the forthcoming establishment, in early 1991, of the Committee on the Rights of the Child, which would not merely examine reports from States parties to the Convention but would also encourage international co-operation in that field and would serve as a focal point between States parties, the United Nations Children's Fund (UNICEF), other United Nations organs and non-governmental organizations. The need for international co-operation was stressed in several articles of the Convention, in connection with the rights of the disabled child, the right of the child to the enjoyment of the highest attainable standard of health and the elimination of illiteracy, particularly in the developing countries.

7. Mr. KOLAROV (Bulgaria) said that the International Covenants on Human Rights and the whole international human rights treaty system were a valuable basis for the effective promotion and protection of human rights and fundamental freedoms. However, given the comprehensive character of the standards laid down in those international instruments, there were still many directions in which those instruments could be applied. Bulgaria attached particular importance to the universalization of and strict compliance with the Covenants and to the possibility of States reviewing and withdrawing their reservations with respect to important provisions of those instruments. Bulgaria had initiated a constitutional procedure

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(Mr. Kolarov, Bulgaria)

for the withdrawal of its reservations with respect to the compulsory jurisdiction of the International Court of Justice in the settlement of disputes over the interpretation and implementation of various international human rights instruments and was also actively considering the possibility of taking the necessary steps to enable its citizens to address the relevant monitoring bodies with individual complaints.

8. It was gratifying to examine the reports of those bodies. He commended the work they had done over the years, during which time they had paid considerable attention to rationalizing their procedures and increasing their effectiveness. They had demonstrated that what mattered most at present in the field of human rights was not the theoretical dispute over concepts, but rather the analysis of existing realities and viable measures. The consolidated guidelines for the submission of reports were an example of that.

9. It was important for the effective functioning of those bodies that their financing should not pose a problem. Bulgaria was concerned that both the Committee on the Elimination of Racial Discrimination and the Committee against Torture had had to cancel meetings owing to a lack of resources.

10. To date more than 50 States had become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and Bulgaria welcomed the critical spirit in which the Committee against Torture had examined the legal aspects of the implementation of the Convention in national legislation and its clear view of the practical aspects of the prevention of torture. The compatibility of periodic reports with the guiding principles for their preparation, the active participation of experts and the study of the reports would further enhance the activities of the Committee against Torture, as would the contacts and exchanges of views between the Committee against Torture and the Special Rapporteur of the Commission on Human Rights on questions relating to torture.

11. Bulgaria, which had signed the Convention on the Rights of the Child on 1 June 1990 and had initiated the constitutional procedure for ratification, noted with satisfaction the large number of States which had ratified or acceded to it and viewed it as a positive contribution to the process of codification in the humanitarian field. Obviously, although the provisions of the Convention would not automatically improve the living conditions of children, it was to be hoped that the Convention's entry into force would stimulate efforts to serve the best interests of the child.

12. Freedom of religion could not be limited to a mere "tolerant" attitude. Difficulties in that area should not hold back progress. Bulgaria had been the first State to invite the Special Rapporteur of the Human Rights Commission on that subject to visit the country and to assess objectively the situation with respect to religious tolerance. A new bill on freedom of religion had been submitted to the Bulgarian Parliament for consideration with a view to bringing social relations in that field into line with the values of freedom and democracy and to making them

reflect the relevant international standards. The current Bulgarian Government truly guaranteed the right of every Bulgarian national to freedom of conscience, religion and belief. The different religious communities of Christians and Muslims in Bulgaria were now practising their religion in a spirit of tolerance.

13. Mrs. BASEER (Pakistan) said that human rights were indivisible and interrelated and, accordingly, economic, social and cultural rights could not be separated from civil and political rights. It was therefore important to take steps to eliminate poverty, disease and hunger with a view to promoting genuine enjoyment of human rights and fundamental freedoms.

14. According to UNICEF, more than 14 million children under 5 years of age died each year in developing countries and many of those who survived were affected by malnutrition, disease or hunger. Some 40,000 children died every day, but 80 per cent of them could be saved by low-cost immunization procedures. The international community must not remain indifferent to that situation. For the developing countries, economic and social development was of the highest priority and in many respects remained a prerequisite for the full enjoyment of civil and political rights.

15. Her delegation appreciated the work of the Committee on Economic, Social and Cultural Rights on the elaboration of its second general comment concerning, primarily, human rights and development. During the lengthy negotiations on the international development strategy for the fourth United Nations development decade, a text had finally been adopted which reflected the importance of achieving a better standard of living in the developing countries in order to permit effective enjoyment of human rights.

16. Her delegation had been happy to join the consensus on the adoption of the Convention on the Rights of the Child. The rapidity with which it had entered into force and the massive support it had received from the international community reflected the determination of States to work in unison to improve the lot of children and to safeguard human rights. Her country had signed the Convention in September 1990, had recently ratified it and looked forward to participating in the first meeting of the States parties to the Convention, to be held in February 1991.

17. Together with Canada, Egypt, Mali, Mexico and Sweden, her country had been among those which had taken the initiative in convening the World Summit for Children, and had worked actively for its success. It was to be hoped that the Declaration and Programme of Action adopted at the Summit would lead to the adoption of practical steps by the international community to improve the condition of children throughout the world.

18. The objectives of International Literacy Year - proclaimed for 1990 by the General Assembly - were noble and the challenges daunting. Pakistan was on the Asian continent, where three fourths of the world's illiterates lived. More than 100 million children between 6 and 11 years of age living in developing countries were not enrolled in school. The illiteracy rate among women was much higher than

(Mrs. Baseer, Pakistan)

among men. It was therefore necessary to resolve the problems of child illiteracy and illiteracy among women. According to studies by the World Bank, the higher the mother's education level, the lower the infant mortality rate and the better the sanitation, nutrition and health practices of the family.

19. In 1975, in the Declaration on the Use of Scientific and Technological Progress in the Interest of Peace and for the Benefit of Mankind, the General Assembly had called upon all States to ensure that the results of scientific and technological developments were used in the interests of strengthening international peace and security, freedom, independence and the economic and social development of peoples and for the realization of human rights and freedoms. Her delegation was concerned at the harmful effects of science and technology when they were used for the production of weapons of mass destruction, dumping of hazardous and toxic wastes, production and use of chemicals responsible for depleting the ozone layer and creating the greenhouse effect, and when informatics was used to violate personal privacy.

20. Her country was deeply committed to ensuring basic human rights and fundamental freedoms. Her Government was actively considering the possibility of acceding to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Her delegation had voted in favour of the International Covenants and the First Optional Protocol because it supported the goals and objectives of those instruments.

21. Mrs. BOUMAIZA (Algeria) emphasized that the debate on international human rights instruments was necessary because it provided an opportunity to recall why those instruments had been drafted. In addition to filling an international legal vacuum, those instruments represented an additional stage in the reinforcement of the purposes and principles of the United Nation Charter and, accordingly, a reflection of the progress attained in the field of human rights.

22. The reports of the Human Rights Committee and the Committee against Torture, at times very lengthy, should receive wider publicity so that the useful information they contained could be disseminated to a larger public, and in order to attain the major purpose of their existence: the promotion of human rights through a better understanding of those rights and of the means for respecting them.

23. Her delegation endorsed the proposal of the Human Rights Committee on long-term measures to enhance the functioning of bodies established pursuant to human rights instruments. The proposal called for the preparation of a synthesis of the public information efforts on the subject carried out by the various committees through the United Nations information centres. Her delegation also endorsed another suggestion of the Human Rights Committee: namely, that the bodies established pursuant to international human rights instruments should be financed through the regular budget of the United Nations. That suggestion also appeared in the report of the third meeting of chairpersons of bodies established pursuant to international human rights instruments.

(Mrs. Boumaiza, Algeria)

24. The conclusion on the need to bring about the universal applicability of the major human rights instruments also deserved special attention. The Committee should address a further urgent appeal to States which had not yet done so to adhere to those instruments. Her country had ratified the International Covenant on Civil and Political Rights, had adhered to its Optional Protocol and had made the declaration under article 41. Accordingly, her delegation requested the Secretariat to make the necessary correction in the list of States parties to the Covenant contained in annex II of document A/45/403. Her country had ratified the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and had made the declarations under articles 21 and 22 of the latter instrument.

25. Her country thereby demonstrated its determination to advance the democratization process which it had undertaken in recent years and its desire to help consolidate the principles of the United Nation Charter and the Universal Declaration of Human Rights.

26. Her delegation wished to take special note of the report of the Ad Hoc Working Group of Experts on southern Africa. That body, in collaboration with the Special Committee against Apartheid and under the auspices of the Commission on Human Rights, had studied the effects of apartheid on black mothers and children in southern Africa. The report contained alarming reports of torture and inhuman treatment, directed particularly at children in detention in southern Africa. Those reports should be very forcefully condemned by the international community. Furthermore, Israeli practices which violated the human rights of the population of the Palestinian territories occupied by Israel, particularly those affecting children, were abominable.

27. Her delegation was pleased that work had been completed on the drafting of an international convention on the protection of the rights of all migrant workers and their families, which was to be submitted for adoption to the Third Committee at the current session; that instrument would round out the international legal régime for the effective enjoyment of human rights, without distinction as to race, religion or social or economic status.

28. Mrs. VARGAS de ZADOFF (Costa Rica), referring to agenda item 110, said that her country was proud of its democratic tradition, in which general elections were held every four years. Also encouraging was the fact that many Member States had recently adopted democratic régimes. That reinforced the moral authority of the United Nations and strengthened its purposes and principles.

29. With respect to agenda items 89 and 105, she recalled the statement by the Minister for Foreign Affairs of her country at the current General Assembly session to the effect that conditions were ripe for international human rights bodies to intensify their efforts and broaden their spheres of competence.

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(Mrs. Vargas de Zadoff, Costa Rica)

30. The progress which Costa Rica had consistently made in the field of human rights was recorded in its second periodic report submitted under article 40 of the International Covenant on Civil and Political Rights. That report, which was discussed in detail in the Report of the Human Rights Committee (A/45/40), referred to the creation of the Constitutional Court, as part of the Supreme Court of Justice with competence to deal with cases of unconstitutionality and the remedies of habeas corpus and amparo. The Costa Rican report also mentioned the 1986 ruling of the Supreme Court of Justice, according to which, in case of conflict between a treaty and a law, the treaty always prevailed.

31. The Constitutional Court had on many occasions invoked and applied the rules of the American Convention on Human Rights.

32. Costa Rica intended to ratify the Second Optional Protocol to the Covenant in due course, since the death penalty had been abolished in 1882. Costa Rica attached a high priority to health care and the reduction of infant mortality, which currently stood at 0.7 per 1,000 live births and was comparable to the rate in many developed countries.

33. With respect to item 109, she said that, under the Costa Rican Constitution, no one could be subjected to cruel or degrading treatment, be imprisoned for life or be sentenced to confiscation of their property, and statements obtained under duress were not recognized as valid. During the pre-trial stage, all detainees were given a medical examination. No one could be detained as a result of unfounded accusations or without a court order, and all detainees had to be presented in court within a period of 24 hours and be provided with legal counsel.

34. With regard to item 106, she said that although the official religion of Costa Rica was Roman Catholicism, and it was taught in the public schools, there was freedom of religion and schoolchildren were allowed to not attend religion classes if they so desired. The various religious persuasions had to register with the Ministry for Foreign Affairs and Worship; having done so, they could receive benefits, build churches and establish schools.

35. Her delegation noted with satisfaction that the Convention on the Rights of the Child would soon enter into effect. Costa Rica had made significant progress in areas such as the reduction of cases of malnutrition in children under 5 years of age, the attainment of an adequate average birth weight, a high rate of measles vaccination in children under 1 year old, access of a high percentage of the population to drinking water and wide availability of local health services. Life expectancy at birth was 75 years. Ninety-eight per cent of school-age children received free and compulsory education, and 81 per cent completed their schooling; the literacy rate was between 93 and 94 per cent. She also wished to mention the creation, in 1987, of the Office for the Protection of Children, the second of its kind in the world, which was responsible for promoting and disseminating the rights of the child.

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36. Mr. ALI (Iraq), speaking on item 89, said that respect for human rights was extremely important; since the world community had achieved notable progress in that area and in the application of the pertinent international instruments. Iraq also attached the utmost importance to human rights and complied with the relevant international instruments, particularly the Universal Declaration of Human Rights. The main feature of his country's legislation and Constitution was that they embodied full respect for international conventions and sought complete harmonization with international law. The population of Iraq came from very diverse religious and ethnic backgrounds, and the State and its legislation took that diversity into account. That made it possible to apply in a consistent manner the principles of respect for human rights and international legal norms.

37. The Gulf crisis had recently been used to condemn Iraq through lies and false claims of violations of international law. That was not such a recent phenomenon, since for years some circles had been conducting an unjust campaign against Iraq in order to discredit it with unfounded accusations, for reasons that were more political than humanitarian. The instigators of that campaign had taken advantage of recent events in order to intensify it, and to that end they had used the media to propagate lies and quote unreliable sources. Actually, those who had made such accusations were facing economic problems because of the recent events, and that had led them to make up those falsehoods. They were hostile people who had left Iraq or Kuwait, as well as people who were working for Western and Zionist interests. The United Nations should condemn the organizations which were secretly trying to undermine human rights and to use the Organization as a shield while levelling accusations against Iraq, since they were acting only out of personal interest.

38. Kuwait was a province of Iraq which was surrounded by the military forces of the United States and its allies; Kuwait's sources of supply had been shut off and it was being deprived of food and articles that were essential to men, women, children, sick people and foreigners. Those who hypocritically complained about human rights violations of should show their sincerity by also deploring the embargo and the acts of violence that the people of Iraq were being subjected to. They should remember that the Geneva Convention required just treatment for civilians and provision of the means to live decently.

39. It was regrettable that the delegations of some countries had participated in that campaign, repeating the slander and unfounded statements against Iraq. The Government of Iraq wished to maintain the excellent relations and friendly ties it had enjoyed with those countries before the events in the region which had presumably led them to slander his country. He wondered what the position of those countries would be once peace had been restored in the region, since by echoing the false accusations they were denigrating the people and Government of Iraq and undermining the integrity, independence and very life of the country. He urged friendly delegations not to join in that unjust campaign against Iraq and its people, and appealed to them to contribute to the restoration of peace, in order to banish the spectre of war and all its consequences.

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40. Miss ESCOLAR (Colombia) said that her country, which was applying the principles laid down in the human right instruments of the United Nations and duly submitting its periodic reports to the monitoring bodies, was governed by a system of separation of powers and institutional controls whose fundamental purpose was to protect human rights.

41. Terrorism, drug trafficking and guerilla activities were the greatest threat to human rights in Colombia. The Government had undertaken to modernize its institutions in order to strengthen the ones responsible for effectively protecting the human rights that were being threatened. A Constitutional Assembly, set up on the basis of democratic principles and the direct mandate of the people, would soon be examining, *inter alia*, the possibility of expressly establishing new political, economic, social and cultural rights and supplying the administration of justice with the necessary legal instruments to combat terrorism and organized crime.

42. Colombia had signed the Convention on the Rights of the Child on 26 January 1990, and was in the process of ratifying it. With the entry into force of the Juveniles' Code, Colombia had completed the process of incorporating all the provisions of the Convention into its domestic legislation. The Government would conduct a campaign to promote the protection of children's rights and was conducting major programmes on family welfare, child survival, the universalization of primary education and the extension of primary health care. In addition, it was preparing a project designed to teach children, from an early age, about their rights and the basic foundations of human rights.

43. Mrs. ARUNGU-OLENDE (Kenya) said that her country attached great importance to the implementation of the Convention on the Rights of the Child. Kenya had been one of the first African countries to become involved in the process of drafting the Convention and had hosted the first African meeting to advocate speedy adoption of the Convention by the General Assembly. It was proud of being one of the first 20 countries which had ratified the Convention. Kenya had therefore noted with great satisfaction that the Convention had entered into force on 2 September 1990.

44. In her country, nearly 60 per cent of the population consisted of children and youth and there were urgent needs to be met. Recently, recommendations had been made to the Government at a national workshop held in preparation for the World Summit for Children and attended by representatives from all sectors of society, including youth and children.

45. Her Government had undertaken studies with the support of local religious institutions, universities, non-governmental organizations and the United Nations Children's Fund (UNICEF), with a view to finding ways and means of creating awareness and mobilizing efforts to implement the Convention. Plans had been made to re-examine customary and written law relating to children with the aim of enacting a body of law incorporating the principles of the Convention.

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(Mrs. Arungu-Olende, Kenya)

46. The world community must eliminate the factors that contribute to the worsening situation facing the world's children, particularly in the developing countries, where hunger, malnutrition, disease, poverty and death were daily occurrences. Future structural adjustment programmes should incorporate measures to alleviate their negative effects on vulnerable groups.

47. Mr. MIN (Myanmar) said that a number of fundamental principles embodied in the Charter of the United Nations, particularly that of non-interference in the internal affairs of other States, were relevant to the consideration of agenda item 110. Those principles, universally recognized, reaffirmed and clarified in innumerable General Assembly resolutions, delimited the nature and scope of the deliberations and actions of the United Nations and determined what it could do and what it could not and must not do. In that connection, he drew attention to General Assembly resolution 44/147 of 15 December 1989.

48. Recently, the people of Myanmar had expressed their desire for a democratic and multi-party system of Government. The State Law and Order Restoration Council, which was the supreme organ of State power in Myanmar, had abolished the single-party system and was implementing measures to fulfil the people's aspirations. In May 1990, democratic multi-party elections had been held, the first such elections held in his country in nearly 30 years.

49. In the process of drafting the new Constitution, which would be the responsibility of representatives elected by the people with the assistance of the State Law and Order Restoration Council, the views of all ethnic groups in the country and of the majority of the people would be taken into account. A national convention would be convened to consider political, economic and social realities in Myanmar.

50. His delegation was aware of the impression given that the democratization process was progressing slowly and that the transfer of power had been deliberately delayed. The State Law and Order Restoration Council had given firm assurances, time and again, that it would hand over power in due course to a strong and stable Government formed in accordance with the new Constitution.

51. The restraints placed on certain individuals in his country had not been the result of their political views and activities, but of their infringement of the existing laws. His Government had co-operated with the Commission on Human Rights and its subsidiary bodies, particularly the Centre for Human Rights at Geneva, and had provided them with information on the human rights situation in the country. From 3 to 11 November 1990, it had welcomed the visit of an independent expert appointed by the Chairman of the Commission on Human Rights, who had held discussions with ministers and senior government officials and would submit a report to the Commission at its forty-seventh session.

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52. Mr. RAVEN (United Kingdom) said, with reference to agenda item 93, that he welcomed the progress made by the open-ended working group set up by the Commission on Human Rights to examine, revise and simplify the draft body of principles and guarantees for the protection of the mentally ill. The working group would be able to submit its completed work to the Commission at its forty-seventh session, and he hoped that in 1991 the Commission would forward the set of principles through the Economic and Social Council to the General Assembly for adoption, bringing to an end an enterprise begun in the late 1970s.

53. The United Kingdom, which had long supported the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, shared the Special Rapporteur's concern at the persistence of alarming infringements of other human rights arising out of attacks on freedom of thought, conscience, religion or belief. He also agreed with the Special Rapporteur's comment that the recourse to violence or the threat of its use in dealing with problems or antagonisms of a religious nature was a disturbing development. Freedom of movement, opinion and expression were the essence of a free and democratic society and it was regrettable that they did not exist in every country of the world.

54. His Government, a signatory to the Convention on the Rights of the Child, considered the recent World Summit for Children to have been useful in the efforts to publicize the Convention. It had also shown the need for the international community to improve the lot of millions of children throughout the world. The establishment of the Committee responsible for the implementation of the Convention would be a valuable complement to United Nations human rights activities.

55. The holding of genuine and periodic elections was another essential element of a free and democratic society. The legitimacy of a Government depended upon its willingness to submit itself to the approval or rejection of its people. That was what elections were about. The United Nations could offer assistance in that area to Governments which requested it.

56. He welcomed the fact that many Governments wished to conduct genuine, periodic, free and fair elections. It was inevitable, however, that many did not have the means to do so. The United Nations should not turn down such requests. For that reason, his delegation supported the idea of examining how the United Nations could respond to such requests. However, no electoral system should be imposed on any State; each State had the right to choose how to elect its Government. In turn, each State had the duty to submit to its people's verdict at the polls.

57. Notwithstanding the statement made by the representative of Myanmar, his Government believed that the elections held in that country in May 1990 had indeed reflected the will of the Burmese people; it again called on the Myanmar authorities to respect the wishes of the people and to transfer power to a duly elected civilian Government as soon as possible.

(Mr. Raven, United Kingdom)

58. His delegation strongly supported the activities of the Special Rapporteur of the Commission on Human Rights in his efforts to expose cases of torture around the world. In his report, however, the Special Rapporteur had failed to draw attention to one of the most recent examples of such violations of human rights: the situation in occupied Kuwait, where, according to reports, the Iraqi armed forces were committing despicable acts of torture. It was intolerable that the human rights situation of the Kuwaiti people should be made worse by torture and other such acts. He once again called upon the Government of Iraq to withdraw from Kuwait and to respect the Security Council resolutions.

59. Mr. SARDENBERG (Brazil) said that the main pillars of the multilateral human rights architecture were already in place. It was now incumbent upon States to ensure greater universality in their adherence to human rights instrument and to the promotion and observance of those rights. Brazil, which was a party to most of the main international instruments on human rights, had recently ratified the Convention on the Rights of the Child.

60. The Brazilian Congress was currently reviewing the two International Covenants on Human Rights and other related instruments to which, for one reason or another, it had not yet acceded. The Brazilian Government welcomed international co-operation in that field. The Government was currently engaged in frank and constructive dialogue with the non-governmental organizations with a view to identifying and eliminating not only violations of human rights but also their causes, which were rooted in the vicious circle of poverty. Vigorous steps were also being taken to curb the shameful acts of physical violence and social abuse perpetrated against children in urban and rural areas.

61. In Brazil, unprecedented efforts were being made to improve the situation of children. The Constitution adopted by the National Constituent Assembly in 1988 devoted a special chapter to the theme of family, children, young people and the aged, and in its article 227, established the main duties of the family, society and the Government in respect of the protection of the rights of the child and the adolescent, thus anticipating the basic principles laid down in the Convention on the Rights of the Child. The new statute on children and teenagers brought Brazilian legislation entirely into line with the relevant provisions of the Convention.

62. A national literacy campaign and an immunization campaign had been launched on a scale never before attempted and plans had been made to implement programmes to improve housing conditions, sanitation and water supply for the poorer strata of the population. Studies by UNICEF had highlighted the negative impact of such problems as the external debt burden on the situation of the more vulnerable groups in the developing countries, including children. Attention should once again be drawn to the indivisibility and interrelationship of human rights in their civil, political, economic, social and other aspects.

(Mr. Sardenberg, Brazil)

63. The Brazilian Government was deeply committed to protecting children against any form of violation of their rights, whether in the form of physical violence, moral oppression or social and economic inequities. The Government expressed its recognition of the admirable work of UNICEF in Brazil and reiterated its readiness to continue to co-operate with UNICEF.

64. The United Nations could play a useful role in providing electoral assistance in specific situations, in accordance with the Charter and under an appropriate and clearly defined mandate. In that connection, he mentioned the resolution adopted in June by the General Assembly of the Organization of American States requesting its Secretary-General to establish a "Unit for the Promotion of Democracy" within the secretariat to provide assistance or advisory services to States that requested them with a view to strengthening or preserving their political institutions and democratic procedures. His delegation was prepared to make a detailed and constructive contribution to the discussions on that subject, without preconceived models and bearing fully in mind the principle of non-interference in the internal affairs of States.

65. As far as the universality of human rights was concerned, it could undoubtedly be said that a "culture of human rights" had not yet fully developed. The formation of that culture involved common beliefs, attitudes and values that were shared and transmitted within the community. At the international level, that would imply a common commitment to the realization of individual and collective rights in the East, West, North and South. Much remained to be done until that stage was reached.

66. Mr. GONZALEZ FELIX (Mexico) said that he agreed completely with the idea that the promotion and protection of human rights was one of the United Nations' highest priorities. Mexico had played an active part in the work of the international human rights bodies and had always recognized the collective responsibility of the world community to promote and safeguard the rights and dignity of the human person.

67. The United Nations must bear in mind that, in addition to the efforts made so far to implement human rights instruments, more effective implementation required that those efforts should be in harmony with the spirit in which the instruments were signed. It was always important to bear in mind the *ratio legis* that had governed the drafting of those instruments.

68. Universal protection of human rights could not be achieved merely by including new aspects but also entailed continuous monitoring of the implementation of United Nations instruments and the effective operation of the organs established under those instruments.

69. The United Nations should greet scientific and technological progress with open arms. Establishing data bases and using new technologies and scientific discoveries to protect human rights in itself represented further progress by the international system and should not be looked at askance. Mexico was glad that the Centre for Human Rights was moving in that direction.

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(Mr. Gonzalez Felix, Mexico)

70. To increase confidence in the United Nations system for defining and protecting human rights, the number of States acceding to the International Covenants must be increased.

71. The 1990s had started with a major initiative on behalf of children, with the recent entry into force of the Convention on the Rights of the Child 30 years after the proclamation of the Declaration on the Rights of the Child. For the first time, the international community possessed an international instrument, valuable primarily because it was the only international legal instrument concerned with the special situations that affected children: adoption, guardianship and the right to a name and an identity, as well as protection against the abduction of, the sale of or traffic in minors.

72. Mexico had already ratified the Convention. Its commitment to giving the highest priority to the development and well-being of children found its best expression in the decision of the President of Mexico, together with other Heads of State and Government, to convene the World Summit for Children. That meeting had assembled more than 70 Heads of State and Government whose political will was reflected in the World Declaration on the Survival, Protection and Development of Children in the 1990s and the Plan of Action for Implementing the Declaration.

73. His country was aware of the need to maintain a balance between compliance with the law, enforcement of justice and protection of human rights. It was a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and participated actively in international machinery for protection against torture.

74. While it fully supported the principle of periodic and genuine elections, his country reiterated that any multilateral discussion of that topic should be conducted with strict respect for the principles of non-intervention and self-determination of peoples. The subject of national elections was strictly within the domestic jurisdiction of States, as laid down in Article 2, paragraph 7, of the Charter of the United Nations. Mexico had not promoted and would not promote the establishment of supranational machinery for monitoring electoral processes, since responsibility for those processes was the sovereign right of States.

75. Mexico was working hard to increase participation in the democratic process and to modernize its electoral mechanisms, which meant, inter alia, preparing a new federal election code. It was a party to the International Covenant on Civil and Political Rights, which already provided a mechanism for monitoring compliance with its provisions, one of which called for the holding of genuine periodic elections. Accession to the Covenant and strict observance of its provisions would be a first step towards the strengthening of that principle.

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76. Mr. GVIR (Israel), speaking on item 106, said that half a century after the most brutal genocide in the history of mankind - the Nazi holocaust that had exterminated 6 million Jews - the demon of anti-Semitism was once again rearing its head. Reports from country after country across the globe spoke of an ever-growing number of incidents directed against innocent Jews, ranging from verbal abuse to physical attacks, including murder. That phenomenon was accompanied by the publication of a growing number of writings, slandering and abusing the Jewish people and the Jewish faith - including the horrendous assertion that there had never been a holocaust. Anti-Semitism flourished especially on the extreme right and the extreme left, and there was growing evidence of collaboration between those extremes, as well as between them and Islamic fundamentalist movements and Palestinian organizations such as the Palestine Liberation Organization.

77. It was a matter of profound concern that a growing number of spokesmen of that heinous brand of bigotry had been using anti-Zionist and anti-Israeli positions as a cover for their ideologies. That phenomenon was a manifestation of what the Swedish poet, journalist and statesman Per Ahlmark had called the "new anti-Semitism".

78. For the 30 years following the end of the Second World War, anti-Semitism had universally been considered intolerable and had apparently disappeared. In the late 1970s and early 1980s, renewed expressions of anti-Semitism had begun to be seen and heard on the world scene, including acts of vandalism against Jewish institutions, the desecration of Jewish cemeteries and armed terrorist attacks against Jews and Jewish houses of worship, schools, shops and restaurants.

79. It was no coincidence that the new wave of anti-Semitism had been preceded by the adoption, in November 1975, of General Assembly resolution 3379 (XXX) equating zionism with racism in a travesty of truth, justice and morality. That resolution had sent out an unmistakable signal to all anti-Semites the world over that they could once again act without fear of condemnation. The bitter consequences were now being seen.

80. He submitted to the attention of the Committee the latest report on anti-Semitic incidents, covering the first half of 1990, which had been prepared by the Secretary of Israel's Government and Chairman of its Interministerial Forum to Combat Anti-Semitism. The report emphasized that anti-Semitism was a scourge that threatened not only the Jewish people but all mankind as well.

81. There was no clear-cut answer to the age-old question of why people hated the Jews. Perhaps it was, among other reasons, their national and religious singularity, their fundamental belief in the uniqueness of God, based on the eternal covenant between the founding fathers of their nation and the Creator of the universe, or the everlasting alliance sanctioned at Mount Sinai some 3,500 years earlier when the people of Israel had received the Ten Commandments. Perhaps the family of nations found it difficult to accept the primacy of the Jewish faith with regard to monotheism or the simple fact that, throughout its long and often painful history, the Jewish people had distinguished themselves by their

(Mr. Gvir, Israel)

loyalty and devotion to God. Whatever the reason, the United Nations had the moral obligation to address the question of eliminating, once and for all, the plague of religious and ethnic intolerance called anti-Semitism. It should proclaim its adamant opposition to any manifestation of anti-Semitism.

82. Governments, public bodies and, in particular, the spiritual leaders of all religious denominations should play an active role in the campaign to stamp out bigotry and hate. It was necessary to de-legitimize anti-Semitism, instead of allowing the anti-Semites to try to de-legitimize Israel or Judaism.

83. It was gratifying to note that, out of solidarity with the Jewish people, some political leaders and heads of State had been at the forefront of public protests against anti-Semitic outbreaks and that some international councils and organizations had confronted the subject and had issued statements condemning anti-Semitism. However, while there appeared to be growing international interest in repealing the United Nations resolution equating zionism with racism, that movement still did not have a majority in the General Assembly.

84. Long-range educational measures should be adopted in the schools, universities, churches, mosques, temples and synagogues of all countries to teach all decent human beings the true nature of religious intolerance and bigotry.

85. Mr. MUJICA (Cuba), speaking on item 110, noted that at its forty-sixth session the Commission on Human Rights had failed to act on the requests contained in General Assembly resolutions 44/146 and 44/147. It was therefore difficult for the Committee to proceed with its work on that item.

86. Its discussion of the item was taking place at a moment in history at which the idea that the system of international relations was a simple East-West confrontation was dying. As the world knew, that idea had been used to justify real wars, acts of aggression, invasions, crimes against humanity and every kind of offence against the peace and security of the developing nations of the South.

87. For that reason, those who came from that part of the world, as did his delegation, greeted with scepticism and deep reservations the new cartographic gospel that was supposed to lead unerringly towards an as-yet abstract and imprecise common goal, a gospel that was being preached by the very same intellectual and material authors of the cold war.

88. The members of the international community should approach a crossroads unhurriedly and cautiously from different directions, with different ideas concerning their respective origins and destinies. The road was poorly marked, and the only way not to take a wrong turning was to bear the cardinal points clearly in mind. For the item under discussion, those points were still clearly marked, as they always had been, in the Charter of the United Nations and the other instruments of international law derived from it.

(Mr. Mujica, Cuba)

89. National elections had always been and should continue to be recognized as coming under the domestic jurisdiction of States and as the expression of political sovereignty. The principles of the sovereignty, self-determination and independence of States and peoples were enshrined in the United Nations Charter and other relevant instruments, so that elections were in no way a legitimate matter for intervention or participation by other States, whether bilaterally or multilaterally. For that reason, the international community must reject any initiatives concerning national elections which might provide legal grounds in the future for intervention in the internal affairs of States or the subjection of national institutions and existing political practice to norms and models established outside the framework of national sovereignty.

90. Some societies today set themselves up as examples of democracy and sought to export political models, in violation of the standards and instruments of international law. The United Nations must not be allowed to become an instrument of the hegemonistic aims of such a policy. The model proposed came from a society in which there was no effective exercise of popular sovereignty, since the exercise of civil, economic, social and cultural rights of vast sectors of the population was impinged upon in varying degrees. The political and social stability of those societies could hardly be attributed to exemplary elections or democratic institutions.

91. Regarding the proposal of the President of the United States that the United Nations should set up an electoral commission composed of experts from all over the world, his delegation believed that any participation by the United Nations in elections should be by way of exception and in no way by established law or practice. General principles for action by the Organization and the Member States in national elections could not be based on exceptions; nor could action by the Security Council to implement such principles. A group of delegations had on a previous occasion managed to frustrate attempts to justify such action by the Council and had succeeded in bringing the matter before the General Assembly.

92. His delegation also rejected the proposal that the United Nations could intervene in response to requests from Member States for assistance in organizing and monitoring elections, since that would be tantamount to denying the very concepts of self-determination and sovereignty of the people, which the Organization had ample means of promoting. The failure of many peoples of the third world to achieve political stability and social harmony was not the fault of political institutions or electoral machinery, but was due to other factors, such as underdevelopment, external debt, interference by external Powers in their internal affairs and the fact of living in a world controlled by societies that had always been more fortunate.

93. It was not really necessary to give the United Nations special powers, over and above its existing ones, in respect of a possible function in the national elections of Member States, and consequently, the ideas proposed in that respect were inappropriate and contrary to the United Nations Charter and the relevant international law.

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(Mr. Mujica, Cuba)

94. Some aspects of the ideas mentioned would entail strengthening the authority and broadening the competence of organs such as the Secretariat or the Security Council, which might indirectly have the effect of weakening the powers of the General Assembly. If any United Nations organ ought to be strengthened, to enable the Organization to perform a more effective role in the new international situation, it was precisely the General Assembly.

95. Miss ENKHTSETSEG (Mongolia), speaking about the rights of the child, said that, while modern medicine could prevent or cure many of the diseases that had afflicted mankind for thousands of years, in the developing countries, children under the age of five were dying at the rate of 40,000 a day, largely from causes that could easily be prevented, or through lack of health services, food, potable water and sanitation. Modern science had made it possible to produce abundant food in the developing world, but malnutrition was increasing among children, through lack of food, ill-health and shortage of resources.

96. The generation of children born in the 1990s would be the most numerous ever, and the future of mankind would depend to a large extent on efficient measures to ensure the survival and well-being of children, who were the most vulnerable members of society. The healthy development of children was not only an investment in the future but also a moral obligation, and the World Declaration on the Survival, Protection and Development of Children and the Plan of Action for its implementation, adopted at the recent World Summit for Children in New York, were of vital importance. Those broad, action-oriented documents constituted a world strategy to enable the international community to achieve its ambitious targets at national and international levels. Now, Governments must prepare their individual programmes for achieving in the 1990s the essential objectives of survival, protection and development of the child, and incorporating them in their global development strategies.

97. With regard to the Convention on the Rights of the Child, which Mongolia had been one of the first to sign and ratify, there was no doubt about the importance of a broad legal framework of that kind for the well-being of children, particularly in view of the large number of children subject to economic exploitation, trafficking, recruitment for war, and - even more widespread - abandonment or deprivation of basic human rights: the right to food, education and development. It was obvious, however, that legal rights were not enough to achieve the ideal pursued by the Convention. The first essential was for all countries to sign or accede to the Convention. Then, once they had ratified it, they must ensure that its provisions were implemented as soon as possible.

98. Mongolia had always given priority to the well-being of children, who made up half its total population. Protection of the child was part of the general development strategy. Accordingly, in September 1990 it had set up a standing parliamentary committee to deal with matters concerning children, women and young people.

(Miss Enkhtsetseg, Mongolia)

99. Mongolia had a 90-per-cent literacy and school-enrolment rate and had developed a primary-health-care network covering the whole country. The Government had adopted a series of measures to improve the education, health and cultural systems. Government action to raise the standard of living for the whole population, in particular the children, would help to reduce the current high maternal- and child-mortality rates and to ensure the healthy development of children. Mongolia was determined to adopt the necessary measures to put into practice the letter and spirit of the World Declaration on the Survival, Protection and Development of Children and its Plan of Action for the 1990s, and the Convention on the Rights of the Child.

100. Mr. RAZOOQI (Kuwait), speaking in exercise of the right of reply, said that the delegation of Iraq had given a totally distorted picture of the human rights situation in the occupied territory of Kuwait. That situation was a human tragedy, documented by the human rights organizations and by eyewitness accounts.

The meeting rose at 6.40 p.m.